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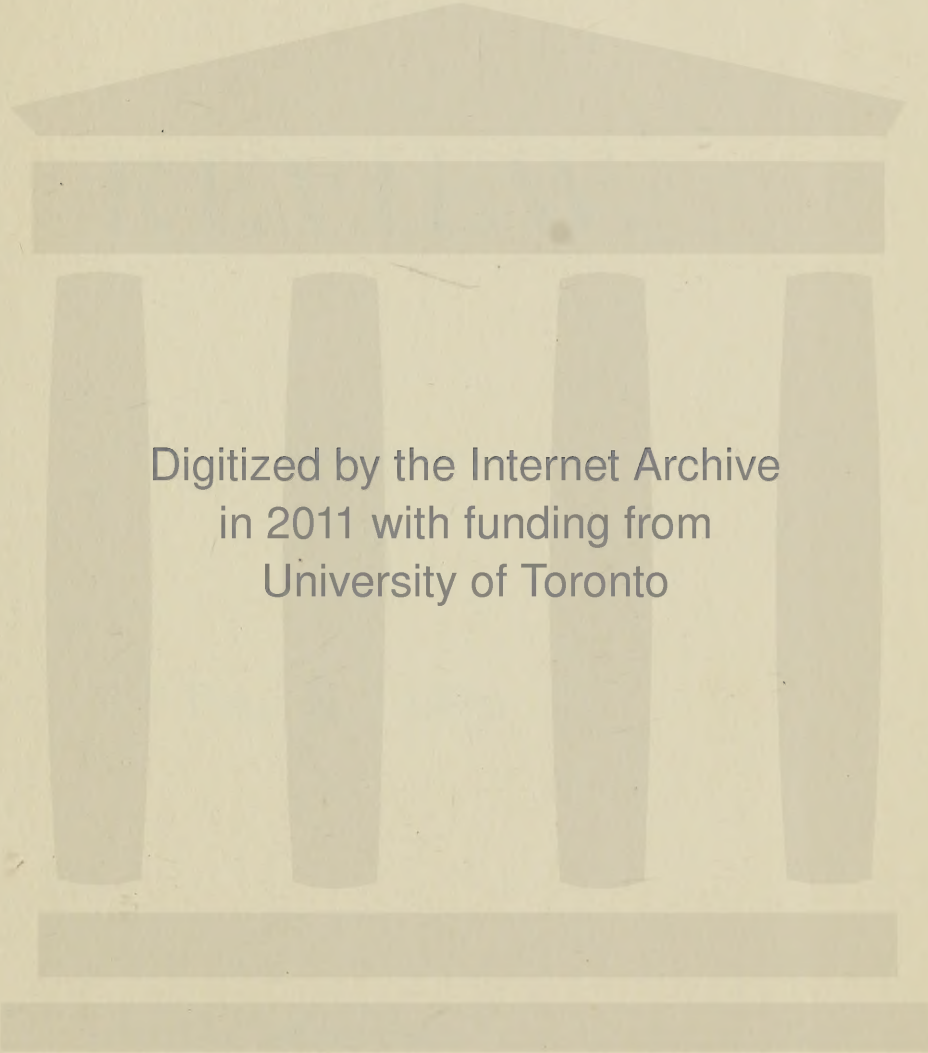












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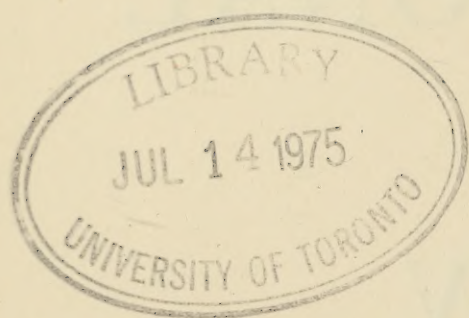
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# CONTENTS

OF VOLUME TEN, 1881.

	PAGE
STATE SUPPORT OF DENOMINATIONAL SCHOOLS IN ENGLAND. II., Rev. R. W. Dale, D.D. ( <i>London.</i> )	I
HORACE BUSHNELL, . . . . . Prof. Geo. P. Fisher. ( <i>New Haven.</i> )	13
RECENT BIOGRAPHIES OF EDGAR ALLAN POE, . . . . . Eugene L. Didier. ( <i>Baltimore.</i> )	26
A BOOK FROM THE ILIAD OF INDIA. I., . . . . . Edwin Arnold. ( <i>London.</i> )	36
THE CHINESE QUESTION, . . . . . Prof. Van Buren Denslow. ( <i>Chicago.</i> )	51
PORTRAIT PAINTING AND GILBERT STUART, . . . . . T. G. Appleton. ( <i>Boston.</i> )	64
IRELAND. I., . . . . . Leonard Courtney. ( <i>London.</i> )	72
BUSH LIFE. II., . . . . . Walter Chamberlain. ( <i>Birmingham, Eng.</i> )	87
JOHN QUINCY ADAMS'S DIARY, . . . . . John T. Morse, Jr. ( <i>Boston.</i> )	97
FROUDE'S DEFENCE OF HENRY THE EIGHTH, . . . . . Robert H. Parkinson. ( <i>Cincinnati.</i> )	116

	PAGE
THE TARIFF QUESTION, . . . . .	131
Hamilton Andrews Hill. ( <i>Boston.</i> )	
M. ZOLA AS A CRITIC, . . . . .	144
Thomas Sergeant Perry. ( <i>Boston.</i> )	
HANS CHRISTIAN ANDERSEN, . . . . .	153
Leopold Katscher. ( <i>Temesvár, Hungary.</i> )	
FICTION AND PUBLIC LIBRARIES, . . . . .	168
James Mascarene Hubbard. ( <i>Boston.</i> )	
MR. TENNYSON'S NEW VOLUME, . . . . .	178
George Barnett Smith. ( <i>London, Eng.</i> )	
OUR MERCANTILE MARINE, . . . . .	184
John Codman. ( <i>New York.</i> )	
THE SOLID SOUTH? . . . . .	197
Edward Atkinson. ( <i>Boston.</i> )	
MODERN PUBLIC DEBTS, . . . . .	210
Henry C. Adams. ( <i>Baltimore.</i> )	
THE SCIENTIFIC RELATIONS OF MODERN MIRACLES, . . . . .	225
William A. Hammond. ( <i>New York.</i> )	
IRELAND. II., . . . . .	243
Leonard Courtney. ( <i>London, Eng.</i> )	
THE IRISH LAND QUESTION, . . . . .	261
Justin McCarthy. ( <i>London, Eng.</i> )	
THE EARLY DAYS OF FOX, . . . . .	274
Henry Cabot Lodge. ( <i>Nahant, Mass.</i> )	
JACQUES OFFENBACH, . . . . .	286
William F. Apthorp. ( <i>Boston.</i> )	
THE ILIAD OF INDIA. II., . . . . .	297
Edwin Arnold. ( <i>London, Eng.</i> )	
IMPROVEMENTS IN PRISON DISCIPLINE, . . . . .	306
A. S. Meyrick. ( <i>Kingston, N. Y.</i> )	



	PAGE
"THE FIRST AMERICAN BISHOP," . . . . .	314
Rev. Geo. E. Ellis, D.D. ( <i>Boston.</i> )	
FRANCIS LIEBER, . . . . .	333
President D. C. Gilman, ( <i>Baltimore, Md.</i> )	
THE LAST TRIAL OF RUSSIAN NIHILISTS. I., . . . . .	349
Mme. Z. Ragozin. ( <i>New York.</i> )	
STATUTES REGULATING THE PRACTICE OF MEDICINE, . . . . .	367
Ernest W. Cushing, M.D. ( <i>Boston.</i> )	
SCHURZ' ADMINISTRATION OF THE INTERIOR DEPARTMENT, . . . . .	380
Henry L. Nelson. ( <i>Washington, D.C.</i> )	
SIR ALEXANDER COCKBURN, . . . . .	397
A. V. Dicey. ( <i>London, Eng.</i> )	
THE LAST TRIAL OF RUSSIAN NIHILISTS. II., . . . . .	411
Mme. Z. Ragozin. ( <i>New York.</i> )	
TAXATION OF INTER-STATE COMMERCE, . . . . .	428
Brooks Adams. ( <i>Boston.</i> )	
THE BALANCE OF THE GENEVA AWARD, . . . . .	436
William G. Low. ( <i>Brooklyn, N. Y.</i> )	
GEORGE ELIOT'S LIFE AND WRITINGS. I., . . . . .	447
W. Fraser Rae. ( <i>London, Eng.</i> )	
THE ALLEGED CENSUS FRAUDS IN THE SOUTH, . . . . .	439
Henry Gannett. ( <i>Washington, D.C.</i> )	
CONSTITUTIONAL TENDENCIES IN FRANCE, . . . . .	468
I. N. Ford. ( <i>New York.</i> )	
RECENT CHANGES IN JAPAN, . . . . .	477
K. Mitsukuri. ( <i>Tokio, Japan.</i> )	
RECENT HISTORIES OF THE UNITED STATES, . . . . .	494
GEORGE ELIOT'S LIFE AND WRITINGS. II., . . . . .	497
W. Fraser Rae. ( <i>London, Eng.</i> )	
AN EXPERIMENT IN COLLEGE GOVERNMENT, . . . . .	510
John M. Gregory.	

	PAGE
THE PIONEERS OF THE SIERRA MADRE, . . . . .	518
A. A. Hayes. ( <i>New York.</i> )	
M. ALEXANDRE DUMAS, FILS., . . . . .	530
J. Brander Matthews. ( <i>New York.</i> )	
LADY MARY WORTLEY MONTAGU, . . . . .	549
Eugene L. Didier. ( <i>Baltimore.</i> )	
THE ZULU KAFIRS, . . . . .	564
Élie Réclus. ( <i>Paris, France.</i> )	
A FORGOTTEN ASTRONOMER, . . . . .	585
Prof. Edward S. Holden. ( <i>Washington, D.C.</i> )	
THE ASSASSINATION OF THE TSAR, . . . . .	594
Ivan Panin. ( <i>Cambridge, Mass.</i> )	



# THE INTERNATIONAL REVIEW.

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JANUARY, 1881.

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## STATE SUPPORT OF DENOMINATIONAL SCHOOLS IN ENGLAND.

### II.

IN one respect the State treats the common schools more favorably than the denominational schools ; school-boards can obtain loans for the purchase of sites and the erection of buildings from the Public-Works Loan Commissioners. These loans are granted at a lower interest than would be demanded in the open market, and the repayment is spread over periods varying from thirty to fifty years. But before a board can apply for a loan, the education department must approve the site and the plans and estimates for the buildings. Under the late Government the department endeavored to cut down the cost of schools, and adopted a rule which required that no building (exclusive of site) should cost more than ten pounds a head for the number of scholars it was intended to accommodate. It would be natural to suppose that the elected representatives of the rate-payers might be trusted to do their work as economically as possible, and unfriendly critics maintained that the action of the department was not prompted by any desire to repress extravagant expenditure, but by the fear that handsome and attractive buildings were making the common schools too popular.

Denominational school managers cannot obtain loans from the commissioners, and are obliged either to raise the whole cost of their schools when they build them or to obtain loans from ordinary sources and on ordinary terms. From 1836 to 1870 the education department made building grants to stimulate the erection of schools of this class. The Act of 1870 provided that no application for a grant in aid of "building, enlarging, improving, or fitting up" any elementary

school could be received after the last day of that year. The denominationalists employed their "five months' grace" with immense vigor. In the year 1869 the applications for building grants were 192; in the year 1870 applications rose to 3,230, and of these 3,111 were received between the passing of the Act on August 1 and the 31st of December, when the months of "grace" expired. Church of England schools applied for no less than 2,852 of these grants.<sup>1</sup>

The difference, so far as buildings are concerned, between the relations of the two classes of schools to the State is very simple: down to 1870 the denominational schools had building grants; since 1870 the common schools, which were created by the act of that year, have had building loans on favorable terms from the Public-Works Loan Commissioners.

In other respects the State treats the two classes in precisely the same way. The education in both is governed by the same code; the scholars of both are examined by the same inspectors; the parliamentary grants are "earned" — that is the usual term, and it is a very suggestive one — on the same conditions.

Her Majesty's inspectors, of whom there are one hundred and twenty-eight, are gentlemen of high education, most of them Oxford or Cambridge men, who have taken a very good degree. They have usually to learn their business after receiving their appointment; a man may be an excellent classical scholar or mathematician, and never have seen the inside of a public elementary school in his life. The power of the inspectors is enormous. The brief remarks they make after every examination on the "parchment"<sup>2</sup> of a teacher make or mar the teacher's professional career. These remarks are always regarded by school committees as the most important evidences of efficiency or inefficiency. Two damaging criticisms in successive years would be enough, in most cases, to ruin a man's chance for life; his only hope of recovery would be to take a position on a very small salary for two or three years, and work hard with the hope of securing remarks of a more favorable kind. School managers are also largely at the mercy of these powerful officials. According to the severity or laxity of their examinations, the parliamentary grant to the school rises or falls. There is an

<sup>1</sup> The figures are given from a parliamentary return quoted in an edition of the Act of 1870, with notes, etc., by Mr. Hoyt Owen (London, 1874). Some of the grants were not actually made till the year 1878; I think it very possible that even down to the present time some school managers have not been able to fulfil the conditions necessary to secure the grant. The whole amount granted by Parliament towards the erection or enlargement of denominational schools, between 1839 and 1878, was £1,761,886 19s. 2d; the total amount subscribed by the promoters for building purposes was £4,830,780 2s. 6½d. Parliament, therefore, found about one fourth, rather more, of the cost of the school-buildings.

<sup>2</sup> This may be called the *full* diploma of an elementary school-teacher.



appeal from the inspector to the department, but practically this is hardly any check on their power. We assume that inspectors are always fair and that their opinion is always right; and this assumption exercises the same wholesome influence on inspectors that our faith in the incorruptibility of the judicial bench exercises on the judges. The 128 inspectors have 116 assistants, most of whom have been elementary schoolmasters.

The grants are made, partly on the average attendance at a school, partly on the report of the inspectors on the annual examinations. A few extracts from the code will illustrate the system under which the parliamentary rate is distributed:—

“The managers of a school which has met not less than 400 times in the morning and afternoon in the course of a year . . . may claim . . . —

“A. The following sums per scholar, according to the *average number in attendance* throughout the year:<sup>1</sup> (1) Four shillings. (2) One shilling, if singing forms part of the ordinary course of instruction. (3) One shilling, if the inspector reports that the discipline and organization are satisfactory.

“B. For every scholar *present on the day of examination*,<sup>2</sup> *who has attended not less than 250 morning or afternoon meetings of the school* — 1. If above four and under seven years of age at the end of the year, (a) Eight shillings, if the infants are taught as a *class* of a school suitably to their age, and so as not to interfere with the instruction of the older children; or (b) Ten shillings, if the infants are taught as a separate department by a certificated teacher of their own, in a room properly constructed and furnished for their instruction. 2. If more than seven years of age, *subject to examination*, (a) Three shillings for each pass in reading, writing, or arithmetic;<sup>3</sup> (b) Four shillings for each such pass in an infant school or department. [Since March 31, 1878, no grant has been paid for any scholar who has passed in only one of these three subjects.]

“C. — 1. The sum of two shillings (or four shillings) per scholar according to the average number of children above seven years of age in attendance throughout the year, if the classes from which the children are examined in Standards II.–VI., or in ‘specific subjects,’ pass a creditable examination in any one (or two) of the following subjects; namely, grammar, history, elementary geography, and plain needlework.” The meaning of this is that there is a grant of two shillings a head on the average attendance if the classes pass a creditable examination in one of

<sup>1</sup> Attendance may not be reckoned for any scholar who has been under instruction in secular subjects less than two hours, if above, or one hour and a half if under, seven years of age.

<sup>2</sup> If the scholar has left the school he may be brought back for the purpose of “presentation” and “examination.” The requirement of 250 attendances is to prevent a scholar from “earning” the grant for two different schools in the same year.

<sup>3</sup> There are six standards of examination in these subjects. The scholars are moved up a standard after each annual examination. Clever children who are fairly taught can easily get through more than one standard in the year; that is, a child examined in the second standard in March, 1880, might be presented in the fourth standard in March, 1881: but this would make his passing less certain than if he were presented in the third; and if he failed, the grant would be lost. There is no motive, therefore, to push the scholars on. Under Article C in the above regulations a certain proportion of the scholars must be in the higher standards, and this may be a reason for raising a few children rapidly; but when the proportion is reached, the reason ceases.

these subjects, and of four shillings if they pass a creditable examination in two.<sup>1</sup> For a class to pass creditably, one half of the children in it must answer creditably. Another regulation provides that only half the grant per head for the class examinations will be made, unless a certain proportion of the scholars examined in reading, writing, and arithmetic are presented in Standards IV. and upwards: the proportion was ten per cent two years ago; in the code now lying on the table of the House of Commons I believe that the proportion is twenty per cent.

The "specific subjects" are named in Schedule IV. of the code, and include what is called (1) "English Literature," by which is meant the recitation of a certain number of lines of English poetry, with knowledge of meanings and allusions; and, in the third or highest stage, the writing of a letter or statement, the heads of the topics to be given by the inspector. (2) Mathematics, including quadratic equations, Euclid, Books I. and II., and elements of Mensuration. (3) Latin, — Cæsar de Bello Gallico, and translation of short sentences into Latin. (4) French. (5) German. (6) Mechanics. (7) Animal Physiology. (8) Physical Geography. (9) Botany. (10) Domestic Economy under two branches. The extent to which instruction is carried in all the subjects numbered 4 to 10 may be inferred from the extent to which the instruction is carried in subjects 1 to 3.

Article 21 provides that "if the time-table of the school has provided for the continuous teaching throughout the year of one or two or more 'specific subjects' of secular instruction according to the table in Schedule IV., — (a) A grant of four shillings per subject may be made for every . . . scholar presented in Standards IV.-VI. who passes a satisfactory examination in not more than two of such subjects. (b) Any scholar who has previously passed in Standard VI. may, if qualified by attendance, be presented in not more than three of such specific subjects. (c) No payment will be made under this article if less than 75 per cent of the passes attainable in the standard examination, by the scholars presented for examination, has been obtained."<sup>2</sup>

I could aggravate the impression of intricacy and complexity which these extracts are likely to produce on the minds of most of my readers if I added the regulations which determine grants for children who, under certain laws affecting school attendance, are described as "half-timers," and who can "earn" the examination grants by 150 attendances instead of 250; and the regulations which determine grants which are "earned" by "pupil-teachers" who pass their annual examinations successfully. But I do not wish to deal unfairly with the English system; the regulations I have extracted are those which substantially affect the organization and teaching of our schools, and they seem to me to deserve the serious consideration of all Americans who are longing for State aid to schools not under the management of representative school-boards.

When I was in the United States I was greatly interested in the simplicity of the relations existing between the State and the local school authorities. State grants in aid of local taxation were made

<sup>1</sup> The extent of the examination on these subjects for each standard is indicated in the general table of the work which must or may be done under each standard.

<sup>2</sup> This is to prevent the neglect of reading, writing, and arithmetic, for the sake of the higher subjects.



(a) according to the population of a school district; or (b) according to the number of children attending the schools; or (c) according to the number of teachers employed. The State superintendent or inspector had authority, at least in some States, to intercept or diminish the State grant if schools were plainly inefficient; but this was the extent of his power. School boards representing the voters are responsible to the voters, and if the schools are badly organized or badly taught, the voters have the remedy in their own hands. Such boards can be trusted with public money because they are under public control. The English school-boards might be equally trusted. But when public money is voted to schools which are managed by two or three clergymen or by one, or by a private committee elected by eight or ten of the annual subscribers, some securities must be taken that the money is well spent; and, as the result, both denominational schools and schools under school-boards are fettered by an elaborate system of regulations.

About twenty years ago, Mr. Robert Lowe, who was at that time vice-president of the Committee of Council on Education, came to the conclusion that in many schools which made a fair show when examined in *classes* large numbers of the children were grossly neglected. Fifteen or sixteen bright lads, to whom the master had given special attention, might put a brilliant varnish over a class of forty; the remaining four or five and twenty boys might know nothing. He therefore introduced the system of "payment by results": a substantial part of the grant was henceforth to be "earned" by the passes of individual scholars in reading, writing, and arithmetic. This forced the masters to give their strength and time to the backward boys to bring them up to the level of a "pass." It had another result which was probably not anticipated: it led the masters to be satisfied with bringing the brighter boys up to this level; and it is the general opinion, both of managers and masters, that Mr. Lowe's reform has made our educational system lifeless, and mechanical attempts have been made, from time to time, to infuse into the schools more intellectual vitality, but with doubtful success. The idea has taken possession of the masters that it is not worth while to do anything which will not "earn" a grant. If they teach enough geography and grammar, or enough history and "literature," to "earn" the grant, why should they attempt anything more? And the mischief is that the grant is a most inadequate test of the real efficiency of a school. Take an illustration: there may be two schools, both of which pass 90 per cent of the scholars in the standards, — that is, in reading, writing, and arithmetic. In the report on the first school the comments of the inspector may run in this way: "Reading excellent throughout the school, except in the lower division of Standard II. where it was fair;

writing excellent throughout ; arithmetic uniformly good. The master deserves great credit for his work ; the school has improved greatly since the last inspection." In the report on the second school, which attains the same percentage of passes and the same grant for the standard subjects, the remarks may run thus : "Reading fair throughout the school, excellent in Standard III. ; writing good, except in Standard IV. ; in arithmetic the work of Standards V. and VI. was uneven, but of the rest of the school fair." Both schools may attain the grant of four shillings a head on the average attendance for the "class examinations" in grammar and geography ; but in the report on the first the inspector may say, "Grammar and geography well taught ;" and in the report on the second, "Grammar and geography not very satisfactory : the grant is recommended with hesitation." It is usual for managers to make the income of the principal teacher largely dependent on what the school "earns." He receives a fixed sum, say £80 per annum, and a certain proportion of the grant ; if the grant is large, his total income may rise to £280 or £300 ; if small, it may be only £200 or £220. In some cases—not, I trust, in very many—this leads to what are mildly called "irregularities" in the registers. If a school opens at 9.30 and is dismissed at 12.30, the register ought to be "closed" at 10.30 ; since every scholar whose attendance is counted should be under secular instruction for two hours. But it happens occasionally that a boy who finds his way into the school at 10.35 is marked as present ; and occasionally there are signs that the register has been "made up" at the end of the week out of the master's own head : cases have even been heard of in which an inspector has paid a visit "without notice," and found the week's register "made up" on Wednesday morning, the record of attendances being prophetic instead of historic. But intentional tampering with the registers, if detected, is ruinous to a teacher's professional career, and is probably seldom attempted. It is in other ways that the system of making the master's income dependent on the grant works most mischief. So much is to be gained or lost through the register that to keep it accurately is one of the chief anxieties both of masters and managers, and the amount of time and labor which is devoted to making it up and checking it is intolerable. Indeed, the hours which are spent by able and highly-paid teachers in mere clerk's work, and in clerk's work necessarily arising from the amount of supervision which the department is obliged to exercise over the school to prevent money from being obtained illegitimately, constitute a very grave objection to the whole system.

The more closely the effects of the principle of requiring the schools to "earn" the grants are investigated, the more mischievous appears to be the influence of the principle on the *esprit* and work of the



teacher. His time, as I have said, is consumed in keeping books and copying "returns;" and what is worse, he is induced to be satisfied with forcing his scholars just up to the level which will secure a pass. His whole work is made mercenary; he comes to regard with indifference whatever will not "earn" a grant, and so put money into his own pocket and the pocket of his managers. And yet I repeat that when once a system of schools under denominational management is created, some such principle as that to which our English department has been driven must be adopted.

III. To the third question, *What is the character of the religious instruction given in public schools?* different men, with equal knowledge, would probably give very different answers. The Act confers on the school-boards the amplest liberty. There is only one limitation on their powers: it is provided that "no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught" in any school under a board. In denominational schools a denominational catechism and formulary may be taught; from board schools the denominational catechism and formulary are excluded. But so far as the Act is concerned, it is plain that a board school — or "common school" in American phraseology — may really be intensely denominational. In a rural district, where the Church of England has carried a majority of the board and placed a clergyman in the chair, the board may refuse to employ dissenting masters and mistresses; may appoint only those teachers who will teach the children that they were regenerated in baptism, that they should adore the Real Presence in the consecrated bread and wine, and that they should regard the Episcopal clergyman as the only authorized minister of religion in the parish, — that to him they should confess their sins and that from him they may receive absolution. If a board adopts this policy there is no remedy. The children of Methodists and Baptists may be withdrawn from the religious teaching if their parents have the courage to provoke the displeasure of the clergyman by claiming the protection of the conscience clause; but in that case the children would receive no religious instruction at the school at all. Evangelicals, wherever they could command the majority of the school-board might follow a similar policy. Many persons labor under the curious delusion that because the Act excludes denominational catechisms and formularies, it excludes denominational teaching. They seem to forget that, in the pulpit, Cardinal Manning can teach the distinctive doctrines of the Roman Catholic Church, and Dr. Pusey the distinctive ordinances of the High Anglicans, without either catechism or formulary; and in the school a schoolmaster may do the same.

.

The liberty left to local boards by the Act has had one most disastrous effect. I think that I am speaking within limits when I say that in a vast majority of cases school-board elections have turned on the religious question. Candidates have stood on the secular platform; or on "the Bible without note and comment" platform, or the platform of "the Bible with unsectarian explanations." The walls have been covered with such placards as these: "Vote for the Bible eight," "Vote for the unsectarian six," "Vote for the men who will give religious instruction to your children," "Vote for the Liberal four and religious equality," "Vote for the Liberal eight and no church rate." Sectarian passion has been fiercely provoked. The Church has fought Dissent; Dissent has fought the Church. Constituencies have been split up into religious parties: the Catholics have fought for the Catholic candidates; the Methodists have fought for the Methodist. Great educational questions have been almost forgotten in the keen excitement of religious conflict. Whether contests of this kind are favorable or hostile to religion, any one who is familiar with the incidents of a sharply contested election can judge.

It is true, no doubt, that commonly the political party-lines have been practically maintained all through these contests. The Catholics have stood apart and fought for their own men; but the rest of the voters, even when they have been split into sections, have been usually divided into Liberals and Conservatives. Most of the clergy have been allied with the Conservatives; most of the nonconformists have been allied with the Liberals. But the "cues" have been religious. The Liberals have usually reduced the "religious teaching" within narrow limits, and have been the champions of unsectarianism. The Conservatives have been very much accustomed to describe their opponents as irreligious and the schools as godless.<sup>1</sup>

Some, but very few, of the schools have been secular. The Birmingham Board from 1873 to 1879 was the most conspicuous board that adopted this policy. No prayer was offered, no religious instruction was given, the Bible was not read. Arrangements were made, under which any recognized religious organization or any religious teacher approved by the parents of a certain number of children in any department of a school might have the use of the school buildings at convenient times, for a very low rent, for the purpose of giving religious instruction, and a few thousands of children were

<sup>1</sup> The Conservatives have fought for seats on school-boards in order to defend the interest of denominational schools. They wish to keep the number of board schools as low as possible, and in many cases they wish to prevent the buildings from being too attractive and the instruction from being too high in character. Hence, the Conservatives usually claim to be the "economical" party in school-board contests; they wish the common schools to be a mere supplement to denominational schools. The Liberals, or at any rate the Radicals, have larger views.



taught once or twice a week by voluntary teachers ; but the Church of England regarded the whole scheme with hostility, and till recently it was regarded with almost equal hostility by the leaders of local Wesleyanism, and the other churches have been unable to cover the ground. Under the strong pressure of a considerable section of the Liberal party, the reading of the Bible "without note and comment" was introduced into the schools, as part of the ordinary school-work, at the beginning of this year.<sup>1</sup>

There are boards which have always taken this course : the head teacher reads a chapter at the opening of the school, or the children read a chapter, verse by verse, and then the religious exercises are over. Many boards have arranged for the singing of a hymn and the offering of a prayer at the opening of the school, and simple comments on the Bible-lesson are made by the teacher. The London School-Board has made elaborate regulations to secure the efficiency of this part of the school-work. In the by-laws of most of the boards in which religious instruction is given, it is provided that nothing shall be taught which shall be calculated to attach the children to any particular denomination.<sup>2</sup>

The formula varies, but the substance remains very much the same. The idea is that the teacher should act impartially towards all religious communities ; and under the great boards I think it probable that this idea is, in a certain sense, carried out very consistently. But what happens ? If a teacher, in making comments on the four Gospels, always avoids indicating whether the Lord Jesus Christ was God manifest in the flesh or merely a man, whether his death was a sacrifice for the sins of the world or merely an example of courageous fidelity to truth and of patient suffering, evangelical Christians may be reasonably alarmed. Teach the truths to which no one objects, and you teach Unitarianism. The unity of God, his greatness as the Creator and Ruler of the universe, his fatherly love for mankind ; the humanity of Christ, the consummate beauty of his character, the loftiness of his ethical teaching, — all these elements of faith are held in common by all Christians, and these are the topics which are likely to be insisted upon where religious instruction is given in common schools ; but instruction of this sort, if it has any

<sup>1</sup> On the eve of the election in November, 1879, the Conservatives offered to give the Liberals a majority without a contest if this compromise was accepted. Most of the Liberal leaders would have declined to accept the proposal, but they thought it due to the party to yield to what was evidently a strong feeling in favor of accepting it.

<sup>2</sup> As yet most of the boards are in districts in which Liberalism is dominant, or, if not dominant, sufficiently powerful to compel the boards to listen to it. We have yet to see what will be the action of boards under the existing Act in districts where the clergy and the Conservatives are unchecked. Some suggestive illustrations of what may be expected have already appeared.



religious effect at all, will form the religious life after the Unitarian type, and will create a habit of ignoring the distinctive elements of the evangelical creed. This, as I believe, will be the effect of the religious instruction given in our board schools; it will contribute powerfully to suppress evangelicalism, and will spread that colorless type of religious thought which evangelical Christians are accustomed to describe as Unitarian.

The true line for earnest evangelicals to take is to insist on making the boards secular. There can be no guarantee that the teachers appointed by a board will have any personal religious faith, and to intrust religious instruction to those who are not themselves earnestly religious is, in the judgment of evangelical Christians, certain to issue in formalism. The instruction itself will generally be vague and indefinite, and instruction of this kind is unfriendly to the evangelical creed. For the religious instruction of children, as well as of grown men and women, the churches should rely, not on the city or the State, but on themselves.

IV. The fourth question proposed to me by my American correspondent admits of a brief reply: *Does the State system* (by which I suppose is meant the system under which the State aids denominational schools) *provide reasonably and justly for the children of Jews, Romanists, and Dissenters?*

The advocates of the system would answer Yes, for the State offers aid to all sects on precisely the same terms. The opponents of the system would be inclined to recall the old fable about the fox and the stork. The fox invited the stork to dinner, and provided an excellent entertainment. He was no curmudgeon. He treated his friend as he treated himself. The same dinner was provided for both; it was served in the same dish, which happened to be a very broad and a very shallow one. Before the stork had been able to eat an ounce the fox had licked up all the dinner. But the stork was equal to the situation, and returned the courtesy by an invitation to the fox to dine with him the next day. Again the dinner was excellent; again the host treated his guest as he treated himself; the stork was not only courteous, but urgent in his hospitality. But this time the dinner was served in a great bottle with a long neck, and the fox could only "lick his chops," as the old fable said, while the stork dined merrily.

To see how the system works it is only necessary to go into a small country town. There is a parish church, and there are three or four dissenting chapels, — a Wesleyan chapel with a congregation of three hundred; a Congregational chapel with a congregation of about the same number; a Baptist chapel with two hundred, and a Unitarian congregation with fifty or sixty, — nearly nine hundred nonconformists

in all, while at the parish church there are not more than six hundred. But the six hundred form one compact body: the nine hundred are split up into four separate communities. If the parish clergyman builds a school he can use it for many purposes. He can hold his Sunday-school there; it is just what he wants for his "penny readings" on Saturday nights during the winter; his choir can give their concerts in it; it is convenient for the meetings of his lay-workers; and in many ways the school-room is invaluable to him. If the nonconformist congregations are to make the same use of a school-building, every one of them must have its own school. But this is impossible. For each one to support a day school is beyond their financial strength. If they combine, as they often do, to support a "British School," the school-building is not at the exclusive command of each congregation, and the school itself is not the ally of any one of them. Not one of the ministers has the kind of moral influence over the children which belongs to the parish clergyman, who is the only minister having access to the church school. Not one of the nonconformist congregations can claim to have its own faith completely taught to the children. Where Unitarians unite in supporting the school, — and they are everywhere the generous friends of education, — it is impossible for the schoolmaster to teach the evangelical truths held in common by evangelical churches. Any church which in any particular locality is stronger in numbers and in money than any other single church, though it may be weaker than the other churches combined, has an immense advantage in working the denominational system. But to see the flagrant injustice of the system it is necessary to return to an English village of the kind to which I have referred earlier in this paper. The village may have two "conventicles" in it, — one of them belonging to a Methodist "circuit," and honored once a month by the presence of a "travelling preacher;" the other "supplied" by laymen from the Congregational Church in the neighboring town. There may be a congregation of four hundred in the two on a moonlight Sunday evening, and at the best-attended service in the parish church there may never be more than two hundred and fifty. But the Dissenters are nearly all poor laboring people. They could not sustain a day school if the two congregations united their strength. The parochial clergyman gets help from the lord or lady of the manor and from the farmers; he gives largely from his own income, and so establishes his school. Under the denominational system he receives a considerable part of what is necessary for "maintenance" from the parliamentary grant. I once heard an eminent Wesleyan minister say to a former vice-president of our education board, "You sell our Methodist children to the Church of England because she is rich enough to buy them." These words express the exact truth. The



church which is rich enough to establish a school is the church which can command the State grant; if the churches to which the children belong are poor, the State sells the children to their wealthier rival.

And if, in such a village as I have supposed, a Congregational farmer came to me and said, "I am thinking of establishing a nonconformist day school. There is a bit of land which happens to be my own, within easy reach of most of the cottages; there are a few people who will join me in building the school and who will share with me the responsibility of maintaining it," I can hardly imagine the case in which I should recommend him to go on with his scheme. A population of fifteen hundred people ought not to have more than one school; if there are two, they will both in all probability be comparatively inefficient. A small school cannot pay good salaries.<sup>1</sup> In large towns Romanists, Dissenters, and Jews can all have their own schools, but in small towns and country districts this is neither desirable nor possible. There are large stretches of country in England in which nonconformist chapels are to be found in every small borough and in hundreds of villages, but in which the established church has nearly the whole of the day-school education of the children in its own hands; and this is the inevitable result of the denominational system. A proposal has been made, that in school districts in which only one efficient school can exist the parliamentary grant should be refused unless the school is under a board. This would be a partial remedy for the evil; but the proposal has never been entertained by the Government.

It is no part of my present business to discuss the way in which the denominational system would work in the United States. No Englishman can have the knowledge necessary for that discussion. Our English experience may, however, suggest some of the perils and difficulties which would have to be encountered if the experiment were made. This at least is certain, — that sooner or later the granting of State aid to denominational schools would break up a school organization which has been the admiration and envy of those Englishmen who have studied American institutions with any fair amount of intelligence and sympathy. That the common-school system is imperfect, that its excellences vary in different States and in different parts of the same State, that in some districts it is struggling just

<sup>1</sup> Ten or twelve years ago, when I had occasion to examine rather closely into the working of our denominational system, I met with an instructive passage in a report of one of her Majesty's inspectors. In his district there was a well-known cathedral city in which the "churches" were numerous and the parishes consequently small. He said that every clergyman made it a point of honor — or a matter of duty, I forget which — to have a school for his own parish. The schools were therefore small and unsatisfactory. If two or three clergymen had been willing to unite their parishes for educational purposes, and have one school between them, it would have been greatly to the advantage of education.

now with very grave difficulties, — difficulties arising mainly from the absence of American traditions and habits among the enormous masses of immigrants who have crossed the Atlantic from Ireland and Germany, — is perfectly true. But if an Englishman can, without presumption, form a confident opinion on any question of American politics, this is precisely the question. State aid to denominational schools might alleviate temporary anxieties, but it would entail unmeasured and irreparable evils.

R. W. DALE.

NOTE. — The report of the Education Department for 1880 has just appeared; but it appeared after the greater part of this article was written. My figures are taken from the report for 1879.

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## HORACE BUSHNELL.

DR. BUSHNELL was a genius in theology, but he is the founder of no school. He has created no body of followers to adopt his tenets and be called by his name. In one way his influence has been great and will be enduring. He has made a strong mark on the living generation, at least in this country. He has done much to determine the direction of theological inquiry. He has stimulated a large number of active minds, and thrown into them seeds of thought which will long continue to bear fruit. There is a conservation of force even though force is diffused abroad and resolved into new forms. In a similar way the influence of Dr. Bushnell will be perpetuated. But he framed no system. This was not from a lack of energy, a moral infirmity, such as prevented Coleridge from giving to his philosophical opinions a coherent form. In the case of Dr. Bushnell it is because his thinking was never complete. The ferment did not subside, or it subsided only to recommence. Nothing more disconcerts disciples than to find themselves deserted by their leader. They wake up to discover that he has pushed on to a new position, whither they must follow him as best they can, or be left as sheep without a shepherd. There was no end of brilliant and even profound suggestions; but, speaking generally, the teaching was immature: it was liable at any moment to undergo essential modification. This was because Dr. Bushnell was indisposed to patient, scholarly investigation. He wrote with an insufficient stock of learning. He published, and studied afterward; and studied then mainly for the purpose of self-defence. The want of a broader converse with other minds was a great loss to him. He was wanting in respect for the thinking of other men. He took up recondite themes, which had been canvassed with intense



earnestness by subtle Greek thinkers in the early ages of the Church, and by every generation since ; and this he did with little heed to what had been thought and said before. So vivid, and for the moment so exhilarating, were his own conceptions, that to stop for the sake of poring over books was like reining in a mettlesome horse when at the height of his speed. He said of himself: "It is very hard for me to read a book through. If it is stupid and good-for-nothing, of course I have to give it up ; and if it is really worth reading, it starts my mind off on some track of its own that I am more inclined to follow than I am to find out what the author has to say."<sup>1</sup> A few thoughts caught up from favorite writers sufficed to kindle his mind into a flame. The sentences of Coleridge, in the "Aids to Reflection," on the distinction of nature and spirit, were the germ of his eloquent treatise on the Supernatural. An essay of Schleiermacher on the Trinity, translated by Professor Stuart, was at the root of his discussions of that subject. I shall not stop to confute the vulgar notion that learning and study put fetters upon independent intellectual activity. Scholars who are affected in this way are destitute, at the start, of mental independence. Reading to an active mind is fuel to the fire. Especially do adventurous original minds need to put themselves alongside of other minds, and to find, in the work done by the past a corrective and complement for their own speculations. The opposite method, with regard to any other science than theology, would be scouted. What student in astronomy or botany or medicine would think of shutting his eyes on the investigations of previous laborers in the same province? If he did so, he would find himself anticipated in many of his discoveries. He would be misled, also, into the adoption of hypotheses which had been tested and found wanting, and which, on a wider inspection of the field, he himself would be driven to abandon. Nothing is more fallacious than to set up a contrast between scholars and thinkers. To stigmatize students as plodders is an impertinence of the ignorant. Was Leibnitz a plodder? Was Schleiermacher a plodder?

There must be culture as well as thought ; and culture, as Matthew Arnold has expressed it, implies that one turns into his own mind streams from the thinking of other men. There must be rain and sunshine, an upheaval of the soil and tillage, in order that the earth should bring forth fruit. Fruit growing wild is not so savory as that produced in the garden. On any other method than that just indicated, in which the present connects itself with the past, progress in any department of knowledge is out of the question. The individual can do no more than pour water upon the sand. The toil of his brain is spent in vain : those who come after him pay no heed to it. Stu-

<sup>1</sup> Life and Letters, p. 295.

dents, then, do not constitute an army ever moving forward to new conquests. They are rather dispersed stragglers, each of whom fights and fires by himself. There has been, and still is, in this country, a great waste of intellectual power on account of the deficiency which we have here pointed out.

The first publication which brought Dr. Bushnell prominently before the public as a theological writer was his discourses on Christian Nurture, in connection with his argument in vindication of them. In this timely and suggestive discussion he took up the divine constitution of the family as a provision for planting Christian character in children, and of thus extending the kingdom of God. The organic relation of parents to their offspring, the organic unity of the family, was insisted on in opposition to an extreme theory of individualism. The atomic conception of Christian society was vigorously attacked. It was the design of Providence that character should be transmitted from parent to child. It should be expected of children that they should grow up in the exercise of Christian piety. To take it for granted that the young born in religious households are to be irreligious up to the age of maturity, and are then to be suddenly converted, was pronounced a gross practical error. The main reliance of the Church for the spread of religion should not be revivals and revivalism, but right methods of Christian nurture. Spasmodic excitements and sporadic conversions were of minor utility compared with the silent agency of the family within its own circle. These views were not novel beyond the bounds of New England, certainly not in the European churches. They were novel, however, in the community to which they were immediately addressed; and the reasoning by which they were supported was in no degree hackneyed. The discussion was not free from over-statement. For example, true as it is that in Germany religious character is apt to be gradually developed as the fruit of Christian training, it is far from being uncommon for religious persons to be able to recollect an epoch of decision, a turning-point in conscious experience. The reverse is the fact. Out of New England the criticism was made that the author had accounted for the congenital origin and the progressive growth of Christian character on the plane of naturalism by the law of heredity: there was no more recognition of the agency of the Spirit of God, it was said, than a pious deist, who holds to the immanence of the divine Spirit and Providence in the whole creation, might allow. This criticism, however, was conceded not to be valid as regards the intent of the author, and could be justified only by reference to the apparent drift of a portion of his language. He postulated an operation of Grace, and an operation as immediate as is presupposed in the prevailing creed, in the case of adult con-



versions. All that could fairly be said was that he had neglected to guard himself fully against misconstruction in this particular, and had not been entirely consistent in his explanations. This publication made it quite manifest that here was a man of vigorous intellect, rich in his resources of argument and illustration, whose modes of thought were quite diverse from those in vogue in the existing schools of New England theology, — a man of gallant bearing, who had no lack of confidence in his own thinking, and not the least timidity in proclaiming the results of it. No one could predict with certainty what precise attitude this new-comer would take in relation to the old conflict between Unitarianism and Calvinism, or to the intestine controversy, within the pale of orthodoxy, between the New School and the Old. The Unitarians hoped that they were eventually to be reinforced by a potent ally from the ranks of their opponents, while the "Princeton Review," finding in the book a great deal to applaud, was in doubt as to the probable outcome to be expected from such a beginning.

The public were not long left in suspense on these points. The work entitled "God in Christ" appeared in 1849, and was followed, two years later, by "Christ in Theology." Theological thought in our times, so far as it is not taken up with apologetic inquiries, turns to Christology. The proofs of revealed religion, but, most of all, the aggressions of atheism and agnosticism, are now the most absorbing topics of discussion. But independently of these questions relative to the foundations of religious and Christian belief, and within the pale of the church, attention is mainly concentrated upon the person and work of Christ. Schleiermacher, in Germany, revolutionized the method of theology by fencing off extraneous matter from its domain, and by making Redemption the one theme of dogmatics. The doctrine of Christ was made the central topic. In other countries the same tendency is manifest. Dr. Bushnell, therefore, did not go counter to the current of the times in turning away from anthropology to take up the subjects which are handled in his principal writings. Yet for New England this was a change. Free agency and decrees, the doctrine of sin and of regeneration, the moral government of God and the theodicy, had been most prominent in theological teaching. Controversies, even the Unitarian controversy, had revolved mostly about these themes. Dr. Bushnell has done much to turn theological thought into a new channel.

By way of prelude to the theological discourses contained in the first of the volumes just mentioned, Dr. Bushnell introduced a dissertation on Language. The aim was to demonstrate the impossibility of dogmatic theology, owing to the infirmities that cleave to the vehicle for communicating thought. Not only do words which denote spiritual states involving feeling mean different things to

different persons, — a point which is strikingly set forth in the essay' and has been impressively illustrated, also, by Dr. J. H. Newman, — but, inasmuch as all language descriptive of mental states and immaterial things is borrowed from the material world and the relations of matter, it is all of necessity figurative. It is a fossil poetry, which, however, does not get precision in becoming fossil. It is forever inexact, in some degree fluctuating in its significance, never the adequate representative of thought. Words are a currency, but from the value on the face of it there is a discount not to be accurately estimated. They are a suggestion of thought, not its literal equivalent. Hence theology, and metaphysical philosophy as well, is precluded. Theological definitions are metaphors; creeds are poems. One corollary was that there is no difficulty in subscribing a variety of creeds: they all dissolve in the alembic of thought. They are but partially successful, stammering attempts to utter that which language cannot embody, and which can be apprehended only in forms of the imagination. What Dr. Bushnell's theory amounts to, and what he ought to have made his thesis, is that the objects of religious faith cannot be *conceived*, — are not, owing to their nature, within the limits of the conceptive power. This is the theory of Hamilton and his school; notably of Mansel in his "Limits of Religious Thought." It has been held, in one form or another, by numerous theologians as far back as Augustine. The inference is that everything that we say of God is anthropomorphic. To every proposition a minus or plus sign must be silently attached. Strange to say, Dr. Bushnell charged the difficulty mainly upon language instead of going to the core of the subject, and fastening his eye on the nature and boundaries of the conceptive faculty. It is no doubt true that the infinite can be only partially conceived. Infinitude can be the object only of an inchoate, positive conception. But the theory of Dr. Bushnell, when translated into the shape which it ought to have assumed, is, in the sweeping form in which he advocates it, untenable. Professing to discard logic in theology, and volunteering to give examples of the logical perplexities into which, as he confessed, his adversaries if they chose could drive him, he still does not hesitate himself to employ logic and make logical inconsistencies and absurdities a sufficient warrant for rejecting obnoxious doctrines. It is curious to find in this essay an intimation that language may ultimately become more exact, and thus more serviceable in philosophy and theology, through the advance of natural and physical science. The material world being an allegory, or a body of symbols, having a pre-ordained correspondence to the world of thought, the more correctly the type is apprehended the more true will be the verbal sign. It is also worthy of note that this insight into the symbolical character of lan-



guage induced the feeling that he might freely manufacture words. "Have I not as good a right as anybody else ever had before me?" "Writing," he says, speaking of his own procedure, "became, in this manner, to a considerable extent the making of language, and not a going to the dictionaries."<sup>1</sup>

As Wordsworth's theorizing on poetry did not improve his poems, so Dr. Bushnell's ideas on language tended to vitiate his style. His later writings contain not a few uncouth specimens of word-making. As to exterior form, they are decidedly below the productions of an earlier date. The whole Essay on Language, spirited and suggestive though it be, is crude. It is unguarded in its statements. More extended philosophical reading would have made it a hundred-fold better.

Following the hints which he had caught up from Stuart's translation from Schleiermacher, Dr. Bushnell undertook to solve the problem of the Trinity by bringing forward the Sabellian hypothesis, — that of the Trinity as solely a means of Revelation, — with which he connected a view that did not essentially differ from the Patripassian theory of the person of Christ. Schleiermacher had been led into his doctrine by his speculative difficulties respecting the personality of God. He never escaped in his doctrinal definitions from the leaven of Spinozism. The best description of Schleiermacher's system was given by Strauss, who said that in it Spinozism and the Gospel were each so completely pulverized and both so thoroughly mixed that it was impossible to separate them one from another. Dr. Bushnell was no pantheist; yet he sought to show that personality in the Deity is to us incomprehensible, and appears to clash with the infinitude of the divine attributes. It is through the medium of three modes of personal action that the ineffable One discloses himself and comes near to the apprehension of his creatures. The Logos is the self-revealing faculty of the Deity; Father, Son, and Spirit are the *dramatis personæ* through which the hidden Being reveals himself. This conception of the Trinity, logically and historically, allies itself to a pantheistic philosophy. Dr. Bushnell in this bold exploration sailed near dangerous rocks. Docetism, the ancient heresy which reduced the human nature of Jesus to a mere appearance, a garment of flesh assumed to be thrown off again, had a natural affinity with the Sabellian conception. In Christ, Dr. Bushnell said, God manifests himself under the limitations of human life, — thinking, feeling, suffering with us. The existence of a human spiritual nature, if not expressly denied, was held to be practically of no account. It was substantially the Apollinarian idea. "The human element is nothing to me, save as it brings me to God, or dis-

<sup>1</sup> Life and Letters, p. 209.

covers to me, a sinner, the patience and brotherhood of God as a Redeemer from sin. . . . The union of the divine and human, being only for expression, what is there in it for us beyond the expression? There may be a human soul here, or there may not: that is a matter with which we have nothing to do, and about which we have not only no right to affirm, but no right to inquire.<sup>1</sup> These statements should be closely observed. This was Dr. Bushnell's conception of Christ. God surrenders himself to the restrictions of a human organization, and subjects himself to the conditions of an earthly life on our level, as a medium through which to manifest himself to us. It is all, literally speaking, divine thought, divine emotion, divine action, even divine suffering. This was the fundamental thought in Dr. Bushnell's Christology, — the thought which, whatever were his mutations of opinion, was always uppermost.

But Dr. Bushnell did not stay by the modal theory of the Trinity. Smitten by antagonistic critics on all sides, he took up the books, and discovered — discovered more and more — that the Nicene or Catholic definitions embraced welcome features which had been dropped out of later and more provincial representations of the doctrine. There was the great idea of self-expression, — "God of God," "Light of Light," etc.; there was the subordination of the Son, the Revealer, though not in the Arian sense of inferiority of attributes; there was especially a Trinity belonging to the life and activity of the Deity, and not a mechanical juxtaposition of three individuals or "distinctions." "On a careful study of the creed prepared by this council [of Nicæa], as interpreted by the writings of Athanasius in defence of it, I feel obliged to confess that I had not sufficiently conceived its import, or the title it has to respect as a Christian document."<sup>2</sup> A truly significant avowal! He is surprised to find that he is so nearly orthodox; he is surprised to find orthodoxy so reasonable. However, notwithstanding his effort to prove his close approach to the Nicene formula, he still withholds his assent to the hypothesis of an immanent Trinity. He holds that the distinction of persons is incidental to revelation, which, to be sure, may — but may not — have been eternal. Whether that distinction will ever cease to be, he likewise finds it impossible to conclude. In short, the immanence and eternity of the personal distinctions in the Deity he is not quite prepared to admit. Still later, in an article marked by consummate ability, — the ablest of his contributions to this discussion,<sup>3</sup> — he makes a further advance towards the Nicene standard. Here he argues that the infinity of God engulfs us in pantheism unless we conceive of him as a triple personality; the term "person,"

<sup>1</sup> Christ in Theology, pp. 93, 96.

<sup>2</sup> Ibid. p. 177.

<sup>3</sup> The Christian Trinity a Practical Truth, — *New Englander*, November, 1854.



whether as a predicate of the One or of each of the Three, being a figure, an approximative term, and so far indefinable. The "practical infinity of God and the practical personality of God" are both secured by the trinitarian conception. By some interior necessity of his nature, he is thus "accommodated in his action to the finite ; . . . he is eternally threeing himself, or generating three persons. . . . In some high sense indefinable, he is datelessly and eternally becoming three, or by a certain inward necessity being accommodated in his action to the categories of finite apprehension,—adjusted to that as that to the receiving of this mystery. . . . We must have no jealousy of the Three, as if they were to drift us away from the unity or from reason ; being perfectly assured of this, that in using the triune formula, in the limberest, least constrained way possible, and allowing the plurality to blend, in the freest manner possible, with all our acts of worship, — preaching, praying, singing, and adoring, — we are only doing with three persons, just what we do with one ; making no infringement of the unity with the Three, more than of the infinity with the One." Here is a certain real immanence of the Trinity. Still, however, there is a relation, as a necessary property of the Deity, to the finite and to revelation ; hence a dependence on the finite, at least as a possible existence. It is immanence conditioned on relativity. The Nicene doctrine holds to the Trinity as being independent of such a relation, as belonging to the eternal necessary activity of the Divine Being, because it is the realization to himself of his own nature. It steers clear of every germ of pantheism,—an advantage not absolutely gained by Dr. Bushnell's statement, which postulates a potential relation to the finite as the ground or condition of tri-personality. It is evident, however, that the Athanasian theology more and more commended itself to Dr. Bushnell's mind. It is highly probable that if he had explored the history of the doctrine before, instead of after, he published on the subject, he would have come out as an expounder and champion of the Nicene faith. Starting with the fixed prepossession that the Trinity is instrumental, is for self-revelation *ad extra*, he never entirely broke loose from this view. But certain cardinal features of the ancient orthodoxy on this branch of doctrine he at length warmly espoused. The movement of his mind was in this direction.

Dr. Bushnell's departure from the prevalent doctrine of the Atonement was even more provocative of dissent. It must be confessed that on the orthodox side in New England there was a popular representation of the work of Christ which was offensively meagre. His death was treated as a make-weight in a scheme of moral government. At a given point a certain amount of suffering was wanted by way of counterpoise to the penalty remitted, and the passion of Christ served

the purpose. The governmental theory as set forth by the younger Edwards, and before him by Grotius, was the opinion in vogue. The death of Christ was not penalty, but a substitute for it, — an expression of God's abhorrence of sin, equivalent, in respect to the ends of government, to the infliction of the penalty. Very well, said Dr. Bushnell, let it be considered an "expression." The correlate of *expression* is *impression*; and if there is expression it must be according to æsthetic laws; it must be in a mode conformed to the laws by which thought or feeling is conveyed from mind to mind. What are those laws? How is it that the death of Christ is thus expressive? To this question the New England theology, as he contended, gave no intelligible answer. But Dr. Bushnell, in his earlier expositions of the subject, gave up altogether the propitiatory idea as a literal truth; Christ, he taught, came into the world to renovate character. This was the one comprehensive end of his mission. Nothing was needed but the reconciliation of men to God, or a new spirit in men. Christ produces this through the power exerted by him as bringing into visible manifestation the forbearance, pity, yearning, forgiving love of God. Disobedience and distrust are both conquered; they melt away under this face-to-face view of the divine goodness. The restoration of the transgressor to confiding communion with God arrests the progress of that disordered action of our spiritual nature which is the principal penalty of sin. There results a healing of the soul, — inward health and peace. This is the moral view of the Atonement which, in its characteristic principle, was advocated in the Middle Ages by Abélard. It is not generically different from the Socinian theory. But Dr. Bushnell held fast to the divinity of Christ, who is ever present to the believing soul; and he emphasized the truth that our life is perpetually in Christ. He is infinitely more than an example to be copied: he is a power of righteousness. Much that was involved in the old idea of the *unio mystica* Dr. Bushnell interwove in his conception. There is a living, spiritual, reciprocal fellowship between the believer and Christ; but propitiation and all kindred terms were declared to be the language of appearance: they are figures, as when we say that the sun rises. A change which takes place in ourselves we metaphorically impute to God. The removal of our distrust and alienation, which sets us at one with him, we represent to ourselves as a removal of hostility in him. But this imaginative exercise, Dr. Bushnell contended, is necessary to the end in view, — which is the production within us of penitent and trustful feeling towards God. It is the means, therefore of that change in us which is the indispensable condition of restored communion with him. The sacrifices of the old covenant were a "transactional liturgy," which was operative in this way. Dr. Bushnell's standing illustration is the



analogy of prayer. This is not, he tells us, a self-magnetizing process. Prayer is to produce an effect; but the effect is only indirectly an effect on God. He is not changed. The *effort* to change him produces such a change in *us* that the sole obstacle to the exercise of his beneficence towards us is removed. In this circuitous way we may be said to prevail with God in supplication. In no other way is he said to be propitiated.

This idea of the "altar form" cannot be said to have satisfied many minds. It made the subjective atonement — the moral view — the naked truth, while it was felt that, after all, nothing was left to believers in the objective atonement but a figure of speech. Once possessed of the philosophy of the subject, of the simple reality, it was not so easy for the mind to give itself up to the imaginative counterpart. Once initiated into the Copernican theory, one is too often uncomfortably reminded that the sun does *not* rise. Moreover, how can representations which are affirmed to be repugnant to the moral sense, inconsistent with a truthful or ennobling view of God's character, be profitably entertained even for the purpose designated?

It cannot be said that the "altar form," as originally presented, continued to satisfy Dr. Bushnell himself. In his elaborate treatise on Vicarious Sacrifice, he set forth the moral view of the Atonement, — the renewing influence upon character which flows out from Christ, from his sympathy and suffering with us, and his whole collective manifestation. He went beyond his former dogmatic statements so far as to give some place to the voluntary participation of Christ in "the corporate curse" of the race, or in the sufferings which come upon mankind as a retributive infliction consequent upon sin. But he was careful to say that he laid no great amount of stress on this element in his view. One leading proposition, it should be remarked, in this treatise is that the incarnation and suffering of Christ fall under a law of self-sacrifice which is of universal obligation.

It is a fine instance of Dr. Bushnell's intellectual honesty that he came before the public once more with a frank avowal of a modification of his opinion on this momentous theme. This was in his "Forgiveness and Law" (1874). He still considered the atoning function of Christ to be nothing exceptional in its principle, to be nothing at variance with general law. It was grounded, as the titlepage announced, "in principles interpreted by human analogies." But there had been "an unexpected arrival of fresh light" in his mind. He had caught sight of a meaning and a reality in propitiation which he had not discerned before. It had struck him that in all cases of heavy grievance, even though there is a placable wish and intent, it is psychologically impossible to quiet the resentful, retributive impulse inherent in one's own conscience, save by undertaking some work in-

volving loss and suffering in behalf of the offender. Only by this means is the feeling of forgiveness realized in the heart of the party wronged; only thus are all traces of the vengeful sentiment of justice dissipated. This Dr. Bushnell supposed to be a general fact, holding true of men, and by analogy presumably of all rational beings. It is a fact of experience, however inexplicable it may be. Accordingly God himself in Christ enters upon a work of self-sacrifice and self-propitiation. By undergoing suffering, by the cross and passion, he realizes in himself the clemency which he would fain exercise. He appeases his own justly indignant sentiment. The end was still the recovery of the sinful creature from the guilty and painful bondage of sin. This was the benefit to be imparted. It may seem to some that Dr. Bushnell is chargeable with fickleness in thus passing from one opinion to another on a topic of this grave importance. It is to be observed, however, that one leading idea, as I have before intimated, runs like a thread through all his thinking on this subject, in its successive stages. It is God himself who is active and passive in all the experiences of Christ. They are an expression of God. It is the divine, not the human, which acts and suffers. The human is at best but a transparent glass, through which we look directly into the heart of God. The fundamental thought with which Dr. Bushnell started remained with him to the end. It was the inspiring thought which held full possession of his mind amid all its fluctuations in regard to more specific questions. Now on this subject, above all others in theology, it is difficult to collect the complex elements of the truth into one theologic view. An archangel might despair of absolute success in the endeavor. Hence the patience that is due to earnest efforts of superior minds in this direction even when they fall short of the mark. The general proposition at the basis of "Forgiveness and Law" is of doubtful validity. The failure to give to the humanity of Christ its proper scope, as a factor in his person and work, to that extent vitiates Dr. Bushnell's construction of the doctrine of the Atonement. In the Catholic view, which we deem to be both agreeable to the Scriptures and most satisfactory to reason, Christ is truly human as well as divine. He is the Son of man as well as the Son of God; and he is the representative of humanity before God, working out redemption in humanity. His endurance of death, the wages of sin, is a tribute to God, though it emanate from God, who "spared not his own Son;" and it is thus the highest evidence of God's love. There is no room here, even were there the ability, to explicate this deep problem of propitiation. It is enough to express the opinion that a different conception of the person of Christ from that which Dr. Bushnell presents is requisite to the full solution of it. The rectification of his view must be sought in a more full recognition of the true humanity of Christ.



Dr. Bushnell had qualifications for success in the pulpit such as rarely exist. If there was a tendency in his theological writing to exaggerate some one element of the truth, and to let it for the moment eclipse correlated elements of equal moment, — if he was hurried into some excess by the enthusiasm of the discoverer, — this characteristic was rather a help than a hindrance to his success as a preacher. In this function, one truth or one duty was to be singled out, vividly delineated, and made for the time to cover the whole field of vision. It need not be said that he was utterly free from cant and rant, the two vices of pulpit oratory. Every hearer felt that it was a man with a mind in full health, who was speaking to him. There was nothing professional or perfunctory in manner or matter; yet his preaching was eminently religious. It was pervaded by a sense of the supernatural; it was inspiring. New aspects of Christian truth, as beautiful as they were startling from their freshness, were opened to view. One of his sermons was on Unconscious Influence, the text being, "Then went in, also, that other disciple" (John xx. 8). On Fast Days, and other occasions of that sort, he contrived to bring out effectively his convictions on political affairs, or on secular topics of local importance. Wishing to help on the project of bringing the water-power of the Connecticut River from Windsor to Hartford, he preached on the connection between prosperity and virtue in large communities, choosing for his text, "This same Hezekiah also stopped the upper water-course of Gihon, and brought it straight down to the west side of the city of David" (2 Chron. xxxii. 30). Dr. Bushnell's printed sermons have been extensively read in Great Britain, as well as America. In a large circle of thoughtful minds there his name is a venerated one. Few volumes of sermons find a permanent place in literature. This is the case, to be sure, of books generally, but it is peculiarly true of pulpit discourses; their fate, however, is perhaps no worse than that of forensic orations, — orations in senates and at the bar. There are few Chrysostoms to hand down their homilies to distant generations. On his contemporaries, at least, Dr. Bushnell's sermons will exert an influence excelled by that of few preachers of the time.

The extraordinary fascination of Dr. Bushnell's literary addresses has been allowed by the most censorious of his theological critics. Depth of thought, liveliness of imagination, and brilliancy of diction are seldom mingled in a more effective union. His Phi Beta Kappa oration at Cambridge on "Work and Play," which was written when he was in the heat of his theological conflict, had all the freshness of a mountain stream in the Adirondack forests, where he loved to wander. To our mind the finest illustration of his peculiar power as a literary artist is his discourse at the Litchfield centennial celebration in 1851,

on "The Age of Homespun." No painting, or series of paintings, could more vividly picture the New England of the old time. Home and school and church, household life and village ways, as they existed in the author's boyhood, are reproduced with the skill of a Rembrandt. The veil is lifted with a reverent hand, yet with constant touches of delicate humor; and New England society, before the quiet old Puritan era had passed by, is delineated before the eyes of a new generation. The recently published biography of Dr. Bushnell contains letters which were written to his family while he was travelling in Europe. His descriptions of Alpine scenery and of the impressions made on him by the cathedrals contain passages of elevated, unstudied eloquence. His criticism of the masterpieces of art, bold as all his utterances were, show a genuine power of insight and appreciation. He looked through his own eyes, whether it was the works of Nature or the creations of genius that he gazed upon.

Dr. Bushnell was no unpractical recluse; he was no dreamy mystic, cut off from contact with the objects and occupations of every-day life. He knew how to make himself the companion of plain people. He was conversant with common things. There was hardly any art or trade in which his practical suggestions, always uttered with a racy bluntness, were not instructive. On matters like house-building and church-building, farming, and the various handicrafts which call into exercise mechanical ingenuity, his judgments were those of a connoisseur. He invented a furnace. He taught the people of Hartford how to make a beautiful park out of an unsightly mud-flat, and they becomingly called the new creation by his name. A robust common-sense was a marked quality of his mind.

It is a pleasure to refer those who would further acquaint themselves with the personal traits of Dr. Bushnell to the admirable biography which, with the exception of a single chapter, is composed by members of his own family.<sup>1</sup> Here the steps of his career are traced from his childhood, which was passed in the bracing atmosphere, physical and moral, of a rural town in Connecticut, to the close of his life. The development of his mind and character is delineated in connection with the story of his parochial work, his literary labors, and his theological battles. The record of his sojourn in California, where men spontaneously turned to him as a leader, of his journey in Europe, and of a winter spent in Minnesota, form interesting episodes in the progress of the narrative. It is written throughout with sympathy, but with excellent taste, and is free from the alloy of indiscriminating eulogy.

GEORGE P. FISHER.

<sup>1</sup> Life and Letters of Horace Bushnell. New York: Harper & Brothers. 1880.



## RECENT BIOGRAPHIES OF EDGAR A. POE.

WHEN Dr. Johnson heard that Boswell intended to write his life, he is reported to have said that he would prevent so great a calamity by taking the life of his presumptive biographer. In this matter, as indeed in many others, Johnson was wrong. Those profound philosophical works, by which he hoped to be long remembered, are not now read by one man in ten thousand, but Boswell's biography will keep alive an interest in Johnson to the most distant posterity. Had Edgar A. Poe known how Rufus W. Griswold would write his life, he might more justly have entertained the murderous feelings attributed to Dr. Johnson. Yet Griswold's memoir of Poe has been an advantage to the poet. Had he written a truthful and satisfactory biography, it would have been accepted as such by the world, and perhaps long since have been consigned to the neglected shelves of public and private libraries ; but the manifest injustice of Griswold's sketch induced the friends and admirers of Poe to examine his biographer's damaging statements, to sweep away the falsehood from his disgraceful stories, and to give to the world all the strange and remarkable incidents which made the life of the author of "The Raven" more romantic than any fiction.

Carlyle says that "a well-written life is almost as rare as a well-spent one." Eight Lives of Poe have been published, all which, except two, are better than was the life led by Poe. That so many biographies should be written of one author is a very noticeable circumstance. Byron, who occupied the attention of the world more than any other modern writer, had only three or four biographies written of him ; Dickens, the most popular author of the last half-century, has had only two or three ; Bulwer has had none, Bryant one, Irving two, Halleck one, Moore one, and Thackeray, if we except one or two imperfect sketches and the execrable stuff published by Anthony Trollope, has had none.

We propose in this article to examine two recent Lives of Poe.<sup>1</sup> Mr. Gill's book was written with a two-fold object, — the deification of Poe and the damnation of Griswold. It is hard to say which feeling predominates. For our own part, we do not believe that Poe was so good as Gill represents him or that Griswold was so bad. Mr. Gill

<sup>1</sup> The Life of Edgar Allan Poe. By William F. Gill. Fifth Edition. New York : W. J. Widdleton, 1880. — Edgar Allan Poe : His Life, Letters, and Opinions. By John H. Ingram. London : John Hogg, 1880.

claims that his is the most complete Life of Poe that has been published. He begins his narrative by a sketch of Poe's imaginary Italian ancestry, which the late Sarah Helen Whitman *invented*, and first published in her "Poe and his Critics." In a letter received by me from Mrs. Whitman the year before her death, she says: —

"For all that I said on the subject I *alone* am responsible. A distant relative of mine, a descendant like myself of Nicholas Le Poér, had long ministered to my genealogical proclivities by stories which from my childhood had vaguely haunted and charmed my imagination. When I discovered certain facts in Poe's history, of which he had previously made little account, he seemed greatly impressed by my theory of our relationship. Of course I endowed him with my traditionary heirlooms. An aptitude for genealogical researches is my speciality, and it would require but a few slender links for me to connect your Franco-Italian name with that Didier, King of Lombardy, who surrendered his iron crown to Charlemagne and gave him his daughter in marriage."

So much for Poe's "long descent." But he could well afford to be the *first* of his name; he did not require ancestors, coats of arms, or coronets. We seek not for the ancestors, immediate or remote, of Shakspeare, Dante, or Virgil; they have crowned their names with a lustre which kings cannot bestow.

Mr. Gill is guilty of some mistakes which should be corrected. Edgar Poe's father was not the *fourth*, but the *eldest* son of his parents. It was not *after* the breach between Poe and Mr. Allan that the latter married his second wife: it was before; the marriage was the cause of the quarrel. Poe did not utter on his death-bed the nonsense about "the Elysian bowers of the undiscovered spirit-world," — Judge Neilson, his nearest living relative, who was present at the death of his cousin, says: "He was taken in a dying condition to the University hospital, where he remained insensible to the last." He was not buried on the *eighth*, but on the *ninth* day of October, 1849.

We regret that we cannot truthfully praise Mr. Gill's literary style. In mentioning the simple fact that Poe printed "The Raven" anonymously, he thus expresses himself: "When in his silent vigils, enthralled by the imaginative ecstasy which often possessed and overpowered him, he conceived and wrought out this marvellous inspiration, what wonder is it that his delicate sensibility should prompt him to conceal from the rude gaze of his material audience the secret springs of his inner consciousness, by printing his *chef d'œuvre* over an assumed name, and hedging its origin about with the impenetrable veil of fiction?" In an elaborate analysis of the same poem, Mr. Gill indulges in the following language: "Postulating the opinion which we venture to advance here upon the result of a process of psychological introversion, which conclusion is confirmed by several of Poe's most intimate acquaintances now living, strengthened by a chain of



conclusive circumstantial evidence, we have arrived at a theory of the origin of the poem that has received the approval of, etc." Here is a still higher rhetorical flight: "That some of the most exquisite imaginative fabrics ever constructed have been wrought from the suggestions afforded by some especial experience, or by a chance incident or circumstance, there are many familiar examples to demonstrate." When stripped of its covering of verbiage, this means simply that authors frequently write from their own experience, — a truism which will scarcely be denied.

Mr. Gill's grammar is not always, as Cæsar's wife was required to be, above suspicion. In fact, he sometimes lapses into such mistakes as these: "Some of his best prose tales were *done* at this time, when the yoke of privation *sat* but lightly upon his shoulders." In speaking of Poe's reading of "The Raven," he says, "He was too good an elocutionist to fail to adequately *voice* his conceptions." Again: "By matter-of-fact minds, incapable of *sensing* delicate distinctions, poets, from Shakspeare down, have been, and will continue to be, adjudged guilty of arrant plagiarism." It is a pity that Mr. Gill does not know the "delicate distinction" between a verb and a noun.

We mark these errors in no unkind spirit, but we think that it is the critic's duty to discover and expose faults more than to praise beauties. We thank Mr. Gill for giving us the severe criticism which Poe wrote upon Griswold's "Poets and Poetry of America." This was the secret cause of Griswold's enmity. He nursed his anger for ten years, and, when Poe was helpless in his grave, vilified the character of the deceased under the guise of friendship. Poe certainly handled Griswold's book without gloves. He called it "miserable" and its author a "toady;" he declared that "reasoning and thinking were entirely out of Mr. Griswold's sphere," etc. With prophetic ken, Poe declared at the close of the article that Griswold would be "forgotten, save only by those whom he has injured and insulted; he will sink into oblivion, without leaving a landmark to tell that he once existed; or, if he is spoken of hereafter, he will be quoted as the *unfaithful servant who abused his trust*."

Entertaining as Poe's criticisms always are, still we think that an original genius, capable of producing so remarkable a poem as "The Raven," is better employed in affording subjects for criticism than in acting as a critic himself. Dunces have to be scourged, the literary temple has to be swept clean; but such work belongs not to a poet of exquisite genius. We do not cut blocks with a razor; we should not put Pegasus under the saddle. Goldsmith was a fine critic, yet who reads his criticisms now? But his "Traveller," his "Deserted Village," his "Vicar of Wakefield," are immortal. Tennyson might have written admirable criticism of poetry, but the world

would not have taken it in fair exchange for "In Memoriam," "The Princess," and the "Idyls of the King." Wordsworth calls criticism an "inglorious employment," and adds: "If the time consumed in writing critiques on the works of others were given to original composition, it would be much better employed." We take the liberty of differing from this opinion, thinking, on the contrary, that criticism is a most important department of letters, and of infinite value to literature. Goethe was a critic, Sainte-Beuve was a critic, Macaulay was a critic, Matthew Arnold is a critic. Surely their "employment" was not "inglorious." But we do think that a writer of Poe's peculiar gifts would have been much better employed in original composition than in writing criticisms, however brilliant. The following passage will show how Poe's ability in this department was appreciated in his lifetime by one of the most fastidious of American scholars, — Horace Binney Wallace: —

"As an analytical critic, Poe possessed abilities quite unrivalled in this country, and perhaps on the other side of the water. We have scarcely ever taken up one of his more critical papers on some author or work worthy of his strength, without a sense of surprise at the novel and profound views from which his inquiries began, nor followed their development without the closest interest, nor laid the essay down without admiration and respect for the masculine and acute understanding with which we had coped during the perusal."

While according such high praise to Poe's critical abilities, Mr. Wallace adds that, "in the case of inventive genius so brilliant and vigorous as is shown in his poems, we feel that criticism, even of the highest kind, is an employment below the true measure of its dignity and, we may say, its duty; for to be a tender of a light in another man's tomb is not fit occupation for one whose ray may abide against all the fears of night and storms and time. Poe possessed unusual powers of close logical reasoning; he was gifted with a miraculous power of sarcasm, and to him the *torva voluptas* of literary controversy possessed a fatal fascination."

While lamenting that Poe did not develop more fully his unrivalled gifts in original composition, we must remember that during all his later life he was a sufferer from *res angusta domi*, and whatever found the readiest market was what he was compelled to produce. He could not enjoy the luxury of devoting his genius to the composition of such poems as "The Raven," which paid him ten dollars, when a criticism like that on "Flaccus," which he could dash off *currente calamo*, paid him fifteen dollars.

Poetry occupied very little of Poe's intellectual life: it was for him but a "divine plaything," as Heine said of himself. Poe's poems were attempts to represent in verse the beautiful and unearthly beings whom his soul worshipped. In speaking of Maurice de Guérin,



Matthew Arnold says: "To a nature like his, endowed with a passion for perfection, the necessity to produce, to produce constantly, to produce whether in the vein or out of the vein, to produce something good or bad or middling as it may happen, but at all events *something*, is the most intolerable of tortures." It was his passion for perfection, his disdain for all imperfect poetical work, which made Poe so severe a critic.

Mr. Gill devotes the greater part of his appendix to an account of the proceedings attending the unveiling of the Poe monument in Baltimore in November, 1875. We must condemn his bad taste in quoting from the contemporary account of the ceremonial such passages as these: "Mr. William F. Gill, who has done much by his written vindication of the poet's memory to remove false impressions, gave the finest rendition of 'The Raven' to which we have ever listened. The large audience was perfectly spell-bound by his perfect elocution, and his resemblance to the recognized ideals of Mr. Poe himself made the personation of his horror and despair almost painful." We were present on this occasion, but we saw no person "spell-bound." We have seen every likeness of Poe extant, but we fail to discover any resemblance between the author of "The Raven" and Mr. Gill. Again he quotes: "After the monument was unveiled, 'Annabel Lee' was recited in the same masterly manner by Mr. Gill." Further on he says: "Poe's famous poem of 'The Raven' was read by Mr. Gill, who was made the recipient of an ovation at its close at the hands of the audience." Our presence at the time does not enable us clearly to understand what he means by "an ovation at the hands of the audience."

The melancholy life and death of the unhappy master of "The Raven" seem to have thrown a spell over all his later biographers, especially those who did not know him during life. In their endeavor to present him to the world in the most favorable light, they have not been satisfied to represent him under the form of a cloud with a silver lining, but almost as the resplendent sun. If this be right, then the present writer is wrong. But Mr. Gill stands *facile princeps* in this particular. He set out with a fixed determination to whiten Poe and blacken Griswold. Like the famous knight of La Mancha, he attacked all obstructions which stood in the way, and the result has been that those who knew Poe will scarcely recognize him as painted by Mr. Gill. Still, with all its faults, the work is interesting; but it would have been much more valuable had the material it contains been placed in the hands of a skilled literary man.

We turn now to Mr. Ingram's biography. To him belongs the credit of having produced the most elaborate and complete Life of Poe

which has yet been given to the world. He details the poet's history from his birth in Boston in 1809 to his death in Baltimore in 1849.

Mr. Ingram has been very industrious in collecting the material for his work. He has gathered all the facts obtainable; but he has written his biography in a spirit of childish admiration for Poe, and determined hostility toward all other biographers of the poet. He seems to labor under the delusion that Americans neither appreciated the genius nor knew anything about the life of Poe until he kindly enlightened them. Carlyle says the fact that, a quarter of a century after his death, interest in Burns continued unabated proves that the poet was not a common man. Interest in Poe has not only not abated during the more than a quarter of a century which has elapsed since his death, but year after year it has continued to increase.

When Alexander set out at the age of twenty-two to conquer the world, he depended upon his sword, with hope for an inspiration. When Edgar A. Poe set out at the age of twenty to win fame and fortune, he depended upon his pen. It was a brave act in those days of our country's literary poverty. The time had passed when poets were the chosen companions of statesmen and princely merchants; the time had not arrived when literary men could live by their pens, — yet Poe, with a knightly disdain of fear, rushed into the arena, choosing Sydney's brave motto, "*Aut viam inveniam aut faciam.*" Collecting his verses together, he published them under the name of "*Al Aaraaf and Minor Poems,*" having previously sent specimens to John Neal, who, fifty years ago, was a prominent journalist. He was at that time the editor of "*The Yankee,*" and replied to the aspiring young poet in the columns of his paper, "*If E. A. P. of Baltimore, whose lines about heaven, which, although nonsense, are rather exquisite nonsense, would but do himself justice, he might make a beautiful and, perhaps, a magnificent poem.*" The lines referred to are now found in "*Fairy-Land.*" In response to this first recognition of his ability to do something Poe wrote the following note: —

"I am young, not yet twenty; am a poet, if deep worship of all beauty can make me one, and wish to be so in the common meaning of the word. I would give the world to embody one half the ideas afloat in my imagination. . . . I appeal to you as a man that loves the same beauty that I adore, — the beauty of the natural blue sky and the sunshiny earth. There can be no tie more strong than that of brother for brother. It is not so much that they love one another as that they both love the same parent; their affections are always running in the same direction, the same channel, and cannot help mingling. I am, and have been from my childhood, an idler. It cannot therefore be said that —

" ' I left a calling for this idle trade,  
 • A duty broke, a father disobeyed.' "

for I have no father nor mother."



It does not appear that Poe's first literary venture attracted any attention or had any sale; yet the little volume contained thoughts and suggestions superior in point of imagination to anything in Byron's early poems. Indeed, the delicate grace and musical rhythm of portions of "Al Aaraaf" give a promise of the metrical sweetness which distinguishes all Poe's poetry.

The young poet soon discovered that the way of literature was far from being a "primrose path;" that it led through thorns and briers, with but a few flowers to cheer the weary way. After ten years of literary struggle, we find him, in 1842, anxious to obtain a livelihood "independent of letters." Poe had by this time made a national reputation by his writings. He had edited with distinguished success the "Southern Literary Messenger," the "Gentlemen's Magazine," and "Graham's Magazine;" he had written the "Fall of the House of Usher," "Ligeia," "William Wilson," the "Murders in the Rue Morgue," and other tales of mystery and imagination; he had published his best critical essays, and some of his sweetest lyrics,—yet he writes this almost despairing letter to a friend, asking his assistance in securing a small government clerkship in Washington:—

"I wish to God I could visit Washington. But the old story, you know—I have no money, not even enough to take me there, saying nothing of getting back. It is a hard thing to be poor, but as I am kept so by an honest motive, I dare not complain. Your suggestion about Mr. Kennedy is well timed; and here, Thomas, you can do me a true service. Call upon Kennedy,—you know him I believe; if not, introduce yourself; he is a perfect gentleman, and will give you a cordial welcome. Speak to him of my wishes, and urge him to see the Secretary of War in my behalf, or one of the other Secretaries, or President Tyler. I mention in particular the Secretary of War, because I have been to West Point, and this may stand me in some stead. I would be glad to get almost any appointment,—even a \$500 one,—so that I may have something independent of letters for a subsistence. To coin one's brain into silver, at the nod of a master, is to my thinking the hardest task in the world. Mr. Kennedy has been at all times a true friend to me,—he was the first true friend I ever had; I am indebted to him *for life itself*. He will be willing to help me I know, but *needs urging*, for he is always head-and-ears in business. Thomas, may I depend upon you?"

It is not known what steps were taken to advance Poe's interest in this matter, but we know that he failed to secure "even a five-hundred-dollar" clerkship. Had he obtained a government appointment, it is not very likely that he would have kept it. He would have soon found the dull routine of official life even a harder task than "coining one's brain into silver, at the nod of a master;" and the nervous restlessness, which he said haunted him as a fiend, would have driven him back to literature as a relief.

In the winter of 1845 the fame of Edgar A. Poe was established by the production of "The Raven." The almost universal verdict

of the world has placed this among the famous single poems, like the "Elegy in a Country Churchyard," the "Deserted Village," etc. "The Raven" fixes the attention by its sad and mysterious story, its rich but sombre coloring, and by the almost miraculous melody of its rhythm. It seems wild and meaningless upon the first perusal, but we turn to it again and again, and our interest grows by what it feeds upon. Mr. James E. Murdock, the elocutionist, prefaced his reading of the poem by saying he knew Poe well, and from his conversations with the poet he understood that Lenore was intended to represent his happy and innocent youth, and the raven his dark and unhappy manhood. Be this as it may, the informing spirit of the poem is

"The rare and radiant maiden whom the angels name Lenore."

An ordinary versifier would have repeated this beautiful name continually. Poe was too consummate a literary artist for that: he produced a better effect by a "masterly frugality of repetition." In the second and fifth verses, by its "quick and sudden duplication," he fixes Lenore in the mind of the reader, and continually suggests it in all the other verses, until the poem closes with the despairing wail, —

"And my soul from out that shadow that lies floating on the floor  
Shall be lifted — nevermore!"

It has been said, with equal truth and beauty, that on the dusky wings of "The Raven" Edgar A. Poe will sail securely over the gulf of oblivion to the eternal shore.

The increased reputation which followed the publication of "The Raven" stimulated Poe's literary activity. But, with all his fame and work, he still felt it hard to keep the wolf from the door with no other weapon than his pen. A few weeks after "The Raven" had made Poe the lion of the season, we find him writing in the "Broadway Journal" an article entitled "Some Secrets of the Magazine Prison-House," which "throws a lurid light upon the mysteries of the unfortunate poet's impecuniosity." In this mournful paper occurs the following paragraph: —

"The want of an international copyright law, by rendering it nearly impossible to obtain anything from the booksellers in the way of remuneration for literary labor, has had the effect of forcing many of our very best writers into the service of the magazines and reviews, which, with a pertinacity that does them credit, keep up in a certain or uncertain degree the good old saying that even in the thankless field of letters the laborer is worthy of his hire. How — by dint of what dogged instinct of the honest and proper — these journals have continued to persist in their paying practices is a point we have had much difficulty in settling to our satisfaction, and we have been forced to settle it at last upon no more reasonable ground than that of a still lingering *esprit de patrie*. That magazines can live, and not only live but thrive, and not only thrive but afford to disburse money for original contributions, are facts which can only be solved, under the circumstances, by the



really fanciful but still agreeable supposition that there is somewhere still existing an ember not altogether quenched among the fires of good feeling for letters and literary men that once animated the American bosom. These magazine editors and proprietors *pay* (that is the word); and with your true poor-devil author the smallest favors are sure to be thankfully received. No; the illiberality lies at the door of the demagogue-ridden public, who suffer their anointed delegates (or perhaps aroynted, which is it?) to insult the common-sense of them (the public) by making orations in our national halls on the beauty and conveniency of robbing the literary Europe on the highway, and on the gross absurdity in especial of admitting so unprincipled a principle that a man has any right and title either to his own brains or the flimsy material that he chooses to spin out of them, like a confounded caterpillar as he is. If anything of this gossamer character stands in need of protection, why, we have our hands full at once with the silkworms and the *morus multicaulis*."

Poe suffered as much as any author of his time from the want of an international copyright law between the United States and Great Britain. His tales were copied constantly into the English periodicals and translated into the French journals. As to the effects of travel on literary wares, he says:—

"It is astonishing to see how a magazine article, like a traveller, spruces up after crossing the sea. We ourselves have had the honor of being pirated without mercy; but as we found our articles improved by the process (at least in the opinion of our countrymen), we said nothing, as a matter of course. We have written paper after paper which attracted no notice at all until it appeared as original in Bentley's 'Miscellany' or the Paris 'Charivari.' The Boston 'Notion' (edited by Rufus W. Griswold) once abused us very lustily for having written 'The House of Usher.' Not long afterwards Bentley published it anonymously, as original with itself; whereupon the 'Notion,' having forgotten that we wrote it, not only lauded it *ad nauseam*, but copied it *in toto*."

We regret that Mr. Ingram should have violated good taste and literary decorum by entering into the disgraceful squabbles which embittered the last years of Poe's life. It would have been better had they been allowed to remain buried in the long-forgotten journals in which they were first published. Whether Mr. English was thrashed or Mr. Briggs had a bottle-nose are questions about which the present and future generations of readers will care very little. Whether one man was a "vagabond" and another the "autocrat of all the asses" is something in which we are very slightly interested; but in Poe himself, both as a man and a poet, the world has an ever-increasing interest. We think, therefore, that it will be a pleasure to read what Professor Valentine of Richmond says of his personal appearance:

"His brow was fine and expressive, his eye dark and restless; in the mouth, firmness mingled with an element of scorn and discontent. His gait was firm and erect, but his manner nervous and emphatic. He was of fine address and cordial in his intercourse with his friends, but looked as though he rarely smiled from joy, to which he seemed to be a stranger: *that* might be partly attributed to the great struggle for self-control in which he seemed to be constantly engaged. There was

little variation and much sadness in the intonation of his voice, yet this very sadness was so completely in harmony with his history as to excite on the part of this community a deep interest in him both as a lecturer and a reader."

The spring of 1849 found Poe still struggling to make a living by literary work. He had been ill, and upon becoming convalescent had lapsed into a melancholy state of mind, to which he now became habitually subject. He believed himself destined to an early death, but his haughty soul "defied all portents of impending doom." To an astonishing degree he retained his hope for the future even in the midst of his dreary present. Undaunted by the worst blows that "unmerciful disaster" inflicted upon him, he determined to struggle on and on, hoping against hope, or, if despairing, to follow the noble advice of Burke, — "even in despair, to work on." This determination is forcibly expressed in a letter, which about this time he wrote to "Annie," one of the most cherished friends of his lonesome later years : —

"You know how cheerfully I wrote to you not long ago, — about my prospects, hopes ; how I anticipated being soon out of difficulty. Well ! all seems to be frustrated, at least for the present. As usual, misfortune never comes single, and I have met one disappointment after another. The 'Columbian Magazine' in the first place failed; then Post's 'Union' (taking with it my principal dependence) ; then the 'Whig Review' was forced to stop paying for contributions ; then the 'Democratic ;' then [on account of his oppression and insolence] I was obliged to quarrel finally with ———; and then, to crown all, the '———' (from which I anticipated so much, and with which I had made a regular engagement for ten dollars a week throughout the year) has written a circular to correspondents, pleading poverty, and declining to receive any more articles ; more than this, the 'S. L. Messenger,' which owes me a great deal, cannot pay just yet ; and altogether I am reduced to 'Sartain' and 'Graham,' — both very precarious. No doubt, Annie, you attribute my 'gloom' to these events, but you would be wrong. It is not in the power of any mere *worldly* considerations, such as these, to depress me. . . . No ; my sadness is *unaccountable*, — and this makes me the more sad. I am full of dark forebodings. *Nothing* cheers or comforts me. My life seems wasted, — the future looks a dreary blank ; but I will struggle on, and 'hope against hope.'"

In a few months the struggle ended, as we all know.

From a long and careful study of Poe's character, it does not appear that he was one of the most amiable of human beings ; but at the same time it must in justice be admitted that he suffered more than the common lot from "the slings and arrows of outrageous fortune." From his second to his twentieth year he lived in affluence, and was taught to consider himself the sole heir of a splendid fortune, when suddenly, without warning, he was thrown upon the world friendless and alone. When Tom Jones was turned out of the house of his adopted father, Squire Allworthy, the Squire gave him sufficient money to enable him to earn an honest livelihood, saying, "As I have educated you like a



child of my own, I will not turn you naked into the world." Poe received no such treatment from his adopted father: he was dismissed penniless. The rest of his life was one continued struggle against poverty and want, at times without the simplest necessities of life. Conscious of possessing rare intellectual gifts, he saw himself often neglected by the world and contemned by men infinitely his inferiors in all things except worldly knowledge. It cannot be said of Poe that, like a block of marble, he became more polished and statue-like by every stroke of misfortune. On the contrary, he became more defiant, desperate, reckless, but not more admirable. The companions of his boyhood and early youth unite in saying that he was of a fine, generous, and high-spirited nature, and attribute the change which took place in his character to the quarrel with Mr. Allan and its consequences. Some of his summer friends turned away from him, while others reproached him for ingratitude, not knowing the circumstances of the case. His proud and sensitive spirit keenly felt the sudden change from wealth to poverty, from social position to neglect; and then began that unequal battle with the world which ended in a charity hospital in Baltimore. Swift's epitaph should be Poe's; for does not he also sleep "ubi sæva indignatio cor ulterius lacerare nequit"?

EUGENE L. DIDIER.

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## A BOOK FROM THE ILIAD OF INDIA.

*(Now for the first time translated.)*

THERE exist two colossal, two unparalleled, epic poems in the sacred language of India, which were not known to Europe, even by name, till Sir William Jones announced their existence; and which, since his time, have been made public only by fragments, by mere specimens, bearing to those vast treasures of Sanskrit literature such small proportion as cabinet samples of ore have to the riches of a mine. Yet these most remarkable poems contain all the history of ancient India, so far as it can be recovered, together with such inexhaustible details of its political, social, and religious life that the antique Hindu world really stands epitomized in them. The Old Testament is not more interwoven with the Jewish race, nor the New Testament with the civilization of Christendom, nor the Koran with the records and destinies of Islam, than are these two Sanskrit poems with that unchanging and teeming population which Her Majesty, Queen Victoria, rules as Empress of Hindustan. The stories, songs, and ballads, the histories and genealogies, the nursery tales and religious discourses, the art, the learning, the philosophy, the creeds, the moralities, the modes of thought, the very phrases, sayings, turns of expression, and daily ideas of the Hindu people are taken from these poems. Their children and their wives are named out of them; so are their cities, temples, streets, and cattle. They have constituted the library, the newspaper, and the

Bible — generation after generation — to all the succeeding and countless millions of Indian people ; and it replaces patriotism with that race and stands in stead of nationality to possess these two precious and inexhaustible books, and to drink from them as from mighty and overflowing rivers. The value ascribed in Hindustan to these two little-known epics has transcended all literary standards established in the West. They are personified, worshipped, and cited from as something divine. To read or even listen to them is thought by the devout Hindu sufficiently meritorious to bring prosperity to his household here and happiness in the next world ; they are held also to give wealth to the poor, health to the sick, wisdom to the ignorant ; and the recitation of certain *parvas* and *shlokas* in them can fill the household of the barren, it is believed, with children. A concluding passage of the great poem says : —

“The reading of this Mahá-Bhárata destroys all sin and produces virtue ; so much so, that the pronounciation of a single shloka is sufficient to wipe away much guilt. This Mahá-Bhárata contains the history of the gods, of the Rishis in heaven and those on earth, of the Gandharvas and the Rákshasas. It also contains the life and actions of the one God, holy, immutable, and true, — who is Krishna, who is the creator and the ruler of this universe ; who is seeking the welfare of his creation by means of his incomparable and indestructible power ; whose actions are celebrated by all sages ; who has bound human beings in a chain, of which one end is life and the other death ; on whom the Rishis meditate, and a knowledge of whom imparts unalloyed happiness to their hearts, and for whose gratification and favor all the daily devotions are performed by all worshippers. If a man reads the Mahá-Bhárata and has faith in its doctrines, he is free from all sin, and ascends to heaven after his death.”

In order to explain the portion of this Indian epic, here for the first time published in English verse, I reprint a brief summary of its plot : —

The “great war of Bharat” has its first scenes in Hastinapur, an ancient and vanished city, formerly situated about sixty miles northeast of the modern Delhi. The Ganges has washed away even the ruins of this the metropolis of King Bharat’s dominions. The poem opens with a “sacrifice of snakes ;” but this is a prelude, connected merely by a curious legend with the real beginning. That beginning is reached when the five sons of “King Pandu the Pale” and the five sons of “King Dhritarashtra the Blind,” both of them descendants of Bharat, are being brought up together in the palace. The first were called Pandavas, the last Kauravas, and their lifelong feud is the main subject of the epic. Yudhishtira, Bhíma, Arjuna, Nakula, and Sahadeva are the Pandava princes. Duryodhana is chief of the Kauravas. They are instructed by one master, Drona, a Brahman, in the arts of war and peace, and learn to manage and brand cattle, hunt wild animals, and tame horses. There is in the early portion a striking picture of an Aryan tournament, wherein the young cousins display their skill, “highly arrayed, amid vast crowds,” and Arjuna especially distinguishes himself. Clad in golden mail, he shows amazing feats with sword and bow. He shoots twenty-one arrows into the hollow of a buffalo-horn while his chariot whirls along ; he throws the “chakra,” or sharp quoit, without once missing his victim ; and, after winning the prizes, kneels respectfully at the feet of his instructor to receive his crown. The cousins, after this, march out to fight with a neighboring king, and the Pandavas, who are always the favored family in the poem, win most of the credit, so that Yudhishtira is elected from among them *Yuvaraj*, or heir apparent. This incenses Duryodhana, who, by appealing to his father, Dhritarashtra, procures a division of the kingdom, the Pandavas being sent to Vacanavat, now Allahabad. All this part of the story refers obviously to the advances gradually made by the Aryan conquerors of India into the jungles peopled by aborigines. Forced to quit their new city, the Pandavas hear of the marvellous beauty of Draupadí, whose *Swayamvara*, or “choice of



a suitor," is about to be celebrated at Kampilya. This again furnishes a strange and glittering picture of the old times ; vast masses of holiday people, with rajahs, elephants, troops, jugglers, dancing-women, and showmen, are gathered in a gay encampment round the pavilion of the King Drupada, whose lovely daughter is to take for her husband (on the well-understood condition that she approves of him) the fortunate archer who can strike the eye of a golden fish, whirling round upon the top of a tall pole, with an arrow shot from an enormously strong bow. The princess, adorned with radiant gems, holds a garland of flowers in her hand for the victorious suitor ; but none of the rajahs can bend the bow. Arjuna, disguised as a Brahman, performs the feat with ease, and his youth and grace win the heart of Draupadī more completely than his skill. The princess henceforth follows the fortunes of the brothers, and, by a strange ancient custom, lives with them in common. The Pandavas, now allied to the King Drupada and become strong, are so much dreaded by the Kauravas that they are invited back again, for safety's sake, to Hastinapura, and settle near it in the city of Indraprastha, now Delhi. The reign of Yudhishtira and his brothers is very prosperous there ; " every subject was pious ; there were no liars, thieves, or cheats ; no droughts, floods, or locusts ; no conflagrations nor invaders, nor parrots to eat up the grain."

The Pandava king, having subdued all enemies, now performs the *Rajasuya*, or ceremony of supremacy, — and here again occur wonderfully interesting pictures. Duryodhana comes thither, and his jealousy is inflamed by the magnificence of the rite. Among other curious incidents is one which seems to show that glass was already known. A pavilion is paved with "black crystal," which the Kaurava prince mistakes for water, and "draws up his garments lest he should be wetted." But now approaches a turning point in the epic. Furious at the wealth and fortune of his cousins, Duryodhana invites them to Hastinapura to join in a great gambling festival. The passion for play was as strong apparently with these antique Hindus as that for fighting or for love : "No true Kshatriya must ever decline a challenge to combat or to dice." The brothers go to the entertainment, which is to ruin their prosperity ; for Sakuni, the most skilful and lucky gambler, has loaded the "coupon," so as to win every throw. Says the poet, —

"Then Yudhishtira and Sakuni sat down to play, and whatever Yudhishtira laid as stakes Duryodhana laid something of equal value ; but Yudhishtira lost every game. He first lost a very beautiful pearl ; next a thousand bags each containing a thousand pieces of gold ; next a great piece of gold so pure that it was as soft as wax ; next a chariot set with jewels and hung all round with golden bells ; next a thousand war-elephants with golden howdahs set with diamonds ; next a lakh of slaves all dressed in rich garments ; next a lakh of beautiful slave-girls, adorned from head to foot with golden ornaments ; next all the remainder of his goods ; next all his cattle ; and then the whole of his Rāj, excepting only the lands which had been granted to the Brāhmans."

After this tremendous run of ill-luck, he madly stakes Draupadī the Beautiful, and loses her. The princess is dragged away by the hair, and Duryodhana mockingly bids her come and sit upon his knee, for which Bhīma the Pandava swears that he will some day break his thigh-bone, — a vow which is duly kept. But the blind old king rebukes this fierce elation of the winner, restores Draupadī, and declares that they must throw another main to decide who shall leave Hastinapura. The cheating Sakuni cogs the dice again, and the Pandavas must now go away into the forest, and let no man know them by name for thirteen years. They depart, Draupadī unbinding her long black hair, and vowing never to fasten it back again till the hands of Bhīma, the strong man among the Pandavas, are red with the punishment of the Kauravas. "Then he shall tie my tresses up again, when his fingers are dripping with Duhsusana's blood."

I pass over the long episodes of their adventures in the jungle till the time when the Pandavas emerge, and, still disguised, take up their residence in King Viráta's city. Here the vicissitudes of Draupadí as a handmaid of the queen, of Bhíma as the palace wrestler, of Arjuna disguised as a eunuch, and of Nakula, Sahadeva, and Yudhishtira, acting as herdsmen and attendants, are most absorbing and dramatic. The virtue of Draupadí, assailed by a prince of the State, is terribly defended by the giant Bhíma; and when the Kauravas, suspecting the presence in the place of their cousins, attack Viráta, Arjuna drives the chariot of the heir apparent, and victoriously repulses them with his awful bow *Gandiva*.

After all these evidences of prowess and the help afforded in the battle, the King of Viráta discovers the princely rank of the Pandavas, and gives his daughter in marriage to the son of Arjuna. A great council is then held to consider the question of declaring war on the Kauravas, at which the speeches are quite Homeric, the god Krishna taking part. The decision is to prepare for war, but to send an embassy first. Meantime Duryodhana and Arjuna engage in a singular contest to obtain the aid of Krishna, whom both of them seek out. This celestial hero is asleep when they arrive, and the proud Kaurava, as Lord of Indraprastha, sits down at his head; Arjuna, more reverently, takes a place at his feet. Krishna, awaking, offers to give his vast army to one of them, and himself as counsellor to the other; and Arjuna gladly allows Duryodhana to take the army, which turns out much the worse bargain. The embassy, meantime, is badly received; but it is determined to reply by a counter-message, while warlike preparations continue. There is a great deal of useless negotiation, against which Draupadí protests, like another Constance, saying, "War, war! no peace! Peace is to me a war!" Krishna consoles her with the words, "Weep not! the time has nearly come when the Kauravas will be slain, both great and small, and their wives will mourn as you have been mourning." The ferocity of the chief of the Kauravas prevails over the wise counsels of the blind old king and the warnings of Krishna, so that the fatal conflict must now begin upon the plain of Kurukshetra.

All is henceforth martial and stormy in the "parvas" that ensue. The two enormous hosts march to the field, generalissimos are selected, and defiance of the most violent and abusive sort exchanged. Yet there are traces of a singular civilization in the rules which the leaders draw up to be observed in the war. Thus, no stratagems are to be used; the fighting men are to fraternize, if they will, after each combat; none may slay the flier, the unarmed, the charioteer, or the beater of the drum; horsemen are not to attack footmen, and nobody is to fling a spear till the preliminary challenges are finished; nor may any third man interfere when two combatants are engaged. These curious regulations — which would certainly much embarrass Von Moltke — are, sooth to say, not very strictly observed, and, no doubt, were inserted at a later age in the body of the poem by its Brahman editors. Those same interpolaters have overloaded the account of the eighteen days of terrific battle which follow with many episodes and interruptions, some very eloquent and philosophic; indeed, the whole *Bhagavad-Gita* comes in hereabouts as a religious interlude. Essays on laws, morals, and the sciences are grafted, with lavish indifference to the continuous flow of the narrative, upon its most important portions; but there is enough of solid and tremendous fighting, notwithstanding, to pale the crimson pages of the Greek Iliad itself. The field glitters, indeed, with kings and princes in panoply of gold and jewels, who engage in mighty and varied combats, till the earth swims in blood, and the heavens themselves are obscured with dust and flying weapons. One by one the Kaurava chiefs are slain, and Bhíma, the giant, at last meets in arms Duhsusana, the Kaurava prince who had dragged Draupadí by the hair. He strikes him down with the terrible mace of iron, after



which he cuts off his head, and drinks of his blood, saying, "Never have I tasted a draught so delicious as this." So furious now becomes the war that even the just and mild Arjuna commits two breaches of Aryan chivalry, — killing an enemy while engaged with a third man, and shooting Karna dead while he is extricating his chariot-wheel and without a weapon. At last none are left of the Kauravas except Duryodhana, who retires from the field and hides in a chamber of the palace. The Pandavas find him out, and heap such reproaches on him that the surly warrior comes forth at length, and agrees to fight with Bhíma. The duel proves of a tremendous nature, and is decided by an act of treachery; for Arjuna, standing by, reminds Bhíma by a gesture of his oath to break the thigh of Duryodhana, because he had bidden Draupadí sit on his knee. The giant takes the hint, and strikes a foul blow, which cripples the Kaurava hero, and he falls helpless to earth. After this the Pandava princes are declared victorious, and Yudhishtira is proclaimed king.

The great poem now softens its martial music into a pathetic strain. The dead have to be burned, and the living reconciled to their new lords; while afterwards King Yudhishtira is installed in high state with "chámaras, golden umbrellas, elephants, and singing." He is enthroned facing towards the east, and touches rice, flowers, earth, gold, silver, and jewels, in token of owning all the products of his realm. Being thus firmly seated on his throne, with his cousins round him, the Rajah prepares to celebrate the most magnificent of ancient Hindu rites, — the *Aswamedha*, or Sacrifice of the Horse. It is difficult to raise the thoughts of a modern and Western public to the solemnity, majesty, and marvel of this antique Oriental rite, as viewed by Hindus. The monarch who was powerful enough to perform it chose a horse of pure white color, "like the moon," with a saffron tail, and a black right ear; or the animal might be all black, without a speck of color. This steed, wearing a gold plate on its forehead, with the royal name inscribed, was turned loose, and during a whole year the king's army was bound to follow its wanderings. Whithersoever it went the ruler of the invaded territory must either pay homage to the king, and join him with his warriors, or accept battle; but whether conquered or peacefully submitting, all these princes must follow the horse, and at the end of the year assist at the sacrifice of the consecrated animal. Moreover, during the whole year the king must restrain all passion, live a perfectly purified life, and sleep on the bare ground. The white horse could not be loosened until the night of the full moon in *Chaitra*, which answers to the latter half of March and the first half of April, — in fact, at Easter-time; and it may be observed here that this is not the only strange coincidence in the sacrifice. It was thus an adventure of romantic conquest, mingled with deep religion and arrogant ostentation; and the entire description of the *Aswamedha* is most interesting. The horse is found, is adorned with the golden plate, and turned loose, wandering into distant regions, where the army of Arjuna — for it was he who led Yudhishtira's forces — goes through twelve amazing adventures. They come, for instance, to a land of Amazons, all of wonderful beauty, wearing armor of pearls and gold, and equally fatal either to love or to fight with. These dazzling enemies, however, finally submit, as also the Rajah of the rich city of Babhru-váhand, which possessed walls of solid silver, and was lighted with precious jewels for lamps. The serpent people, in the same way, who live beneath the earth in the city of Vasuki, yield, after combat, to Arjuna. A hundred thousand million snakemen dwelt there, with wives of consummate loveliness, possessing in their realm gems which would restore dead men to life, as well as a fountain of perpetual youth. Finally, Arjuna's host marches back in great glory, and with a vast train of vanquished monarchs, to the city of Hastinapura, where all the subject kings have audience of Yudhishtira, and the immense preparations begin for the sacrifice of the snow-white horse.

After all these stately celebrations, it might be expected that the great poem would conclude with the established glories of the ancient dynasty. But if the martial part of the colossal epic is "Kshatriyan," and the religious episodes "Brahmanic," the conclusion breathes the spirit of Buddhism. Yudhishthira sits grandly on the throne; but earthly greatness does not content the soul of man, nor can riches render weary hearts happy. A wonderful scene, which reads like a rebuke from the dead addressed to the living upon the madness of all war, occurs in this part of the poem. The Pandavas and the old King Dhritarashtra being together by the banks of the Ganges, the great saint Vyása undertakes to bring back to them all the dead, slain in their fraternal conflict. The spectacle is at once terrible and tender.

But this revealing of the invisible world deepens the discontent of the princes, and when the sage Vyása tells them that their prosperity is near its end, they determine to leave their kingdom to younger princes, and to set out with their faces towards Mount Meru, where is Indra's heaven. If, haply, they may reach it, there will be an end of this world's joys and sorrows, and "union with the Infinite" will be obtained. My translations from the Sanskrit of the two concluding parvas of the poem (of which the first is given below) describe the "Last Journey" of the princes and the "Entry into Heaven;" and herein occurs one of the noblest religious apologues not only of this great epic, but of any creed, — a beautiful fable of faithful love, which may be contrasted, to the advantage of the Hindu teaching, with any Scriptural representations of Death, and of Love, "which stronger is than Death." There is always something selfish in the anxiety of Orthodox people to save their own souls, and our best religious language is not free from that taint of pious egotism. The Parvas of the Mahábhárata which contain Yudhishthira's approach to Indra's paradise teach, on the contrary, that deeper and better lesson nobly enjoined by an American poet: —

"The gate of heaven opens to none alone.  
Save thou one soul, and it shall save thine own."

I now offer to the American public, through these pages, with all gratitude and attachment, this first, and faithful, version of the "Book of the Great Journey," — to be followed by the "Book of the Entry into Heaven," being the Seventeenth and Eighteenth Parvas of the Mahábhárata.

EDWIN ARNOLD.

## THE MAHAPRASTHÁNKA PARVA OF THE MAHÁBHÁRATA.

### "THE GREAT JOURNEY."

*To Narayen, Lord of lords, be glory given,  
To sweet Saraswati, the queen in heaven,  
To great Vyása, eke, pay reverence due,  
That this high story may its course pursue.*

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Then Janmejaya prayed: "O Singer, say  
What wrought the princes of the Pandavas  
On tidings of the battle so ensued,  
And Krishna, gone on high?"



Answered the Sage :

“On tidings of the wreck of Vrishni’s race,  
King Yudhishtira of the Pandavas  
Was minded to be done with earthly things,  
And to Arjuna spake : ‘O noble Prince,  
Time endeth all ; we linger, noose on neck,  
Till the last day tightens the line, and kills.  
Let us go forth to die, being yet alive.’  
And Kunti’s son, the great Arjuna, said :  
‘Let us go forth to die ! — Time slayeth all.  
We will find Death, who seeketh other men.’  
And Bhimasena, hearing, answered : ‘Yea !  
We will find Death !’ and Sahadev cried : ‘Yea !’  
And his twin brother Nakula : whereat  
The princes set their faces for the Mount.

“But Yudhishtira — ere he left his realm  
To seek high ending — summoned Yuyutsu,  
Surnamed of fights, and set him over all,  
Regent, to rule in Parikshita’s name  
Nearest the throne ; and Parikshita king  
He crowned, and unto old Subhadra said :  
‘This, thy son’s son, shall wear the Kuru crown,  
And Yadu’s offspring, Vajra, shall be first  
In Yadu’s house. Bring up the little prince  
Here in our Hastinpur, but Vajra keep  
At Indraprasth ; and let it be thy last  
Of virtuous works to guard the lads, and guide.’

“So ordering ere he went, the righteous king  
Made offering of white water, heedfully,  
To Vasudev, to Rama, and the rest, —  
All funeral rites performing ; next he spread  
A funeral feast, whereat there sate as guests  
Narada, Dwaipayana, Bharadwaj,  
And Markandeya, rich in saintly years,  
And Yajnavalkya, Hari, and the priests :  
Those holy ones he fed with dainty meats  
In kingliest wise, naming the name of Him  
Who bears the bow ; and — that it should be well  
For him and his — gave to the Brahmanas  
Jewels of gold and silver, lakhs on lakhs,  
Fair brodered cloths, gardens and villages,  
Chariots and steeds and slaves.

“ Which being done, —

O Best of Bharat's line ! — he bowed him low  
 Before his Guru's feet, — at Kripa's feet,  
 That sage all honored, — saying, ‘ Take my prince ;  
 Teach Parikshita as thou taughtest me.  
 For hearken, ministers and men of war !  
 Fixed is my mind to quit all-earthly state.’  
 Full sore of heart were they, and sore the folk,  
 To hear such speech, and bitter went the word  
 Through town and country, that the king would go ;  
 And all the people cried, ‘ Stay with us, Lord !’  
 But Yudhishtira knew the time was come,  
 Knew that life passes and that virtue lasts,  
 And put aside their love.

“ So, with farewells

Tenderly took of lieges and of lords,  
 Girt he for travel, with his princely kin,  
 Great Yudhishtira, Dharma's royal son.  
 Crest-gem and belt and ornaments he stripped  
 From off his body, and for broidered robe  
 A rough dress donned, woven of jungle-bark ;  
 And what he did — O Lord of men ! — so did  
 Arjuna, Bhíma, and the twin-born pair,  
 Nakula with Sahadev, and she — in grace  
 The peerless — Draupadí. Lastly these six,  
 Thou son of Bharata ! in solemn form  
 Made the high sacrifice of Naishtiki,  
 Quenching their flames in water at the close ;  
 And so set forth, midst wailing of all folk  
 And tears of women, weeping most to see  
 The Princess Draupadí — that lovely prize  
 Of the great gaming, Draupadí the Bright —  
 Journeying afoot ; but she and all the five  
 Rejoiced, because their way lay heavenwards.

“ Seven were they, setting forth, — princess and king,  
 The king's four brothers, and a faithful dog.  
 Those left Hastinapur ; but many a man,  
 And all the palace household, followed them  
 The first sad stage ; and, oft-times prayed to part,  
 Put parting off for love and pity, still  
 Sighing ‘ A little farther !’ — till day waned ;  
 Then one by one they turned, and Kripa said,



‘Let all turn back, Yuyutsu ! These must go.’  
 So came they homewards, but the Snake-King’s child,  
 Ulupi, leapt in Ganges, losing them ;  
 And Chitranaḡad with her people went  
 Mournful to Munipoor, whilst those three queens  
 Brought Parikshita in.

“ Thus wended they,  
 Pandu’s five sons and loveliest Draupadī,  
 Tasting no meat, and journeying due east,  
 On righteousness their high hearts fed, to heaven  
 Their souls assigned ; and steadfast trod their feet,  
 By faith upborne, past nullah, ran, and wood,  
 River and jheel and plain. King Yudhishtir  
 Walked foremost, Bhīma followed, after him  
 Arjuna, and the twin-born brethren next,  
 Nakula with Sahadev ; in whose still steps —  
 O Best of Bharat’s offspring ! — Draupadī,  
 That gem of women, paced, with soft, dark face, —  
 Beautiful, wonderful ! — and lustrous eyes,  
 Clear-lined like lotus-petals ; last the dog  
 Following the Pandavas.

“ At length they reach  
 The far Lauchityan Sea, which foameth white  
 Under Udayachala’s ridge. — Know ye  
 That all this while Nakula had not ceased  
 Bearing the holy bow, named Gandiva,  
 And jewelled quiver, ever filled with shafts  
 Though one should shoot a thousand thousand times.  
 Here — broad across their path — the heroes see  
 Agni, the god. As though a mighty hill  
 Took form of front and breast and limb, he spake.  
 Seven streams of shining splendor rayed his brow,  
 While the dread voice said : ‘ I am Agni, chiefs !  
 O sons of Pandu, I am Agni ! Hail !  
 O long-armed Yudhishtira, blameless king, —  
 O warlike Bhīma, — O Arjuna, wise, —  
 O brothers twin-born from a womb divine, —  
 Hear ! I am Agni, who consumed the wood  
 By will of Narayan for Arjuna’s sake.  
 Let this your brother give Gandiva back, —  
 The matchless bow : the use for it is o’er.  
 That gem-ringed battle-discus which he whirled

Cometh again to Krishna in his hand  
 For avatars to be ; but need is none  
 Henceforth of this most excellent bright bow,  
 Gandiva, which I brought for Partha's aid  
 From high Varuna. Let it be returned.  
 Cast it herein !'

"And all the princes said,  
 'Cast it, dear brother !' So Arjuna threw  
 Into that sea the quiver ever-filled,  
 And glittering bow ; then, led by Agni's light,  
 Unto the south they turned, and so southwest,  
 And afterwards right west, until they saw  
 Dwaraka, washed and bounded by a main  
 Loud-thundering on its shores ; and here — O Best ! —  
 Vanished the God ; while yet those heroes walked,  
 Now to the northwest bending, where long coasts  
 Shut in the sea of salt, now to the north,  
 Accomplishing all quarters, journeyed they ;  
 The earth their altar of high sacrifice,  
 Which these most patient feet did pace around  
 Till Meru rose.

"At last it rose ! These Six,  
 Their senses subjugate, their spirits pure,  
 Wending alone, came into sight — far off  
 In the eastern sky — of awful Himavan ;  
 And, midway in the peaks of Himavan,  
 Meru, the mountain of all mountains, rose,  
 Whose head is heaven ; and under Himavan  
 Glared a wide waste of sand, dreadful as death.

"Then, as they hastened o'er the deathly waste,  
 Aiming for Meru, having thoughts at soul  
 Infinite, eager, — lo ! Draupadī reeled,  
 With faltering heart and feet ; and Bhīma turned,  
 Gazing upon her ; and that hero spake  
 To Yudhishtira : ' Master, Brother, King !  
 Why doth she fail ? For never all her life  
 Wrought our sweet lady one thing wrong, I think.  
 Thou knowest, make us know, why hath she failed ?'

"Then Yudhishtira answered : ' Yea, one thing.  
 She loved our brother better than all else, —



Better than heaven : that was her tender sin,  
Fault of a faultless soul ; she pays for that.'

"So spake the monarch, turning not his eyes,  
Though Draupadī lay dead — striding straight on  
For Meru, heart-full of the things of heaven,  
Perfect and firm. But yet a little space  
And Sahadev fell down, which Bhíma seeing,  
Cried once again : ' O King, great Madri's son  
Stumbles and sinks. Why hath he sunk ? — so true,  
So brave and steadfast, and so free from pride ! '

" ' He was not free,' with countenance still fixed,  
Quoth Yudhishtira ; ' he was true and fast  
And wise, but wisdom made him proud ; he hid  
One little hurt of soul, but now it kills.'

"So saying, he strode on, Kuntī's strong son  
And Bhíma, and Arjuna followed him  
And Nakula, and the hound, leaving behind  
Sahadev in the sands. But Nakula,  
Weakened and grieved to see Sahadev fall —  
His dear-loved brother — lagged and stayed ; and then  
Prone on his face he fell, that noble face  
Which had no match for beauty in the land, —  
Glorious and godlike Nakula ! Then sighed  
Bhíma anew : ' Brother and Lord ! the man  
Who never erred from virtue, never broke  
Our fellowship, and never in the world  
Was matched for goodly perfectness of form  
Or gracious feature, — Nakula has fallen ! '

"But Yudhishtira, holding fixed his eyes, —  
That changeless, faithful, all-wise king, — replied :  
' Yea, but he erred. The godlike form he wore  
Beguiled him to believe none like to him  
And he alone desirable, and things  
Unlovely to be slighted. Self-love slays  
Our noble brother. Bhíma, follow ! Each  
Pays what his debt was.'

" And Arjuna heard,  
Weeping to see them fall ; and that stout son  
Of Pandu, that destroyer of his foes,

That prince, who drove through crimson waves of war,  
 In old days, with his chariot-steeds of milk,  
 He, the arch-hero, sank ! Beholding this, —  
 The yielding of that soul unconquerable,  
 Fearless, divine, from Sakra's self derived,  
 Arjuna's, — Bhíma cried aloud : ' O king !  
 This man was surely perfect. Never once,  
 Not even in slumber when the lips are loosed,  
 Spake he one word that was not true as truth.  
 Ah, heart of gold, why art thou broke ? O King !  
 Whence falleth he ? '

“ And Yudhishtira said,  
 Not pausing : ' Once he lied, a lordly lie !  
 He bragged — our brother — that a single day  
 Should see him utterly consume, alone,  
 All those his enemies, — which could not be.  
 Yet from a great heart sprang the unmeasured speech.  
 Howbeit a finished hero should not shame  
 Himself in such wise, nor his enemy,  
 If he will faultless fight and blameless die :  
 This was Arjuna's sin. Follow thou me ! '

“ So the king still went on. But Bhíma next  
 Fainted, and stayed upon the way, and sank ;  
 But, sinking, cried behind the steadfast prince :  
 ' Ah, brother, see ! I die ! Look upon me,  
 Thy well-belovèd ! Wherefore falter I,  
 Who strove to stand ? '

“ And Yudhishtira said :  
 ' More than was well the goodly things of earth  
 Pleased thee, my pleasant brother ! Light the offence,  
 And large thy spirit ; but the o'er-fed soul  
 Plumed itself over others. Pritha's son,  
 For this thou failest, who so near didst gain. '

“ Thenceforth alone the long-armed monarch strode,  
 Not looking back, — nay ! not for Bhíma's sake, —  
 But walking with his face set for the Mount ;  
 And the hound followed him, — only the hound.

“ After the deathly sands, the Mount ! and, lo !  
 Sakra shone forth, — the God, — filling the earth



And heavens with thunder of his chariot-wheels.  
 'Ascend,' he said, 'with me, Pritha's great son !'  
 But Yudhishthira answered, sore at heart  
 For those his kinsfolk, fallen on the way :  
 'O Thousand-eyed, O Lord of all the gods,  
 Give that my brothers come with me, who fell !  
 Not without them is Swarga sweet to me.  
 She too, the dear and kind and queenly, — she  
 Whose perfect virtue Paradise must crown, —  
 Grant her to come with us ! Dost thou grant this ?'

"The God replied : 'In heaven thou shalt see  
 Thy kinsmen and the queen — these will attain —  
 And Krishna. Grieve no longer for thy dead,  
 Thou chief of men ! their mortal covering stripped,  
 They have their places ; but to thee the gods  
 Allot an unknown grace : thou shalt go up  
 Living and in thy form to the immortal homes.'

"But the king answered : 'O thou Wisest One,  
 Who know'st what was, and is, and is to be,  
 Still one more grace ! This hound hath ate with me,  
 Followed me, loved me : must I leave him now ?'

"'Monarch,' spake Indra, 'thou art now as we, —  
 Deathless, divine ; thou art become a god ;  
 Glory and power and gifts celestial,  
 And all the joys of heaven are thine for aye :  
 What hath a beast with these ? Leave here thy hound.'

"Yet Yudhishthira answered : 'O Most High,  
 O Thousand-eyed and Wisest ! can it be  
 That one exalted should seem pitiless ?  
 Nay, let me lose such glory : for its sake  
 I cannot leave one living thing I loved.'

"Then sternly Indra spake : 'He is unclean,  
 And into Swarga such shall enter not.  
 The Krodhavasha gods destroy the fruits  
 Of sacrifice, if dogs defile the fire.  
 Bethink thee, Dharmaraj, quit now this beast !  
 That which is seemly is not hard of heart.'

"Still he replied : 'T is written that to spurn  
 A suppliant equals in offence to slay

A twice-born ; wherefore, not for Swarga's bliss  
 Quit I, Mahendra, this poor clinging dog, —  
 So without any hope or friend save me,  
 So wistful, fawning for my faithfulness,  
 So agonized to die, unless I help  
 Who among men was called steadfast and just.'

"Quoth Indra : 'Nay! the altar-flame is foul  
 Where a dog passeth ; angry angels sweep  
 The ascending smoke aside, and all the fruits  
 Of offering, and the merit of the prayer  
 Of him whom a hound toucheth. Leave it here!  
 He that will enter heaven must enter pure.  
 Why did'st thou quit thy brethren on the way,  
 And Krishna, and the dear-loved Draupadí,  
 Attaining, firm and glorious, to this Mount  
 Through perfect deeds, to linger for a brute?  
 Hath Yudhishtira vanquished self, to melt  
 With one poor passion at the Door of bliss?  
 Stay'st thou for this, who did'st not stay for them, —  
 Draupadí, Bhíma?'

"But the king yet spake :  
 'Tis known that none can hurt or help the dead.  
 They, the delightful ones, who sank and died,  
 Following my footsteps, could not live again  
 Though I had turned, — therefore I did not turn ;  
 But could help profit, I had turned to help.  
 There be four sins, O Sakra, grievous sins :  
 The first is making suppliants despair,  
 The second is to slay a nursing wife,  
 The third is spoiling Brahmans' goods by force,  
 The fourth is injuring an ancient friend.  
 These four I deem but equal to one sin,  
 If one, in coming forth from woe to weal,  
 Abandon any meanest comrade then.'

"Straight as he spake, brightly great Indra smiled ;  
 Vanished the hound, and in its stead stood there  
 The Lord of Death and Justice, Dharma's self!  
 Sweet were the words which fell from those dread lips,  
 Precious the lovely praise : 'O thou true king,  
 Thou that dost bring to harvest the good seed  
 Of Pandu's righteousness ; thou that hast ruth



As he before, on all which lives ! — O Son,  
 I tried thee in the Dwaita wood, what time  
 They smote thy brothers, bringing water ; then  
 Thou prayed'st for Nakula's life — tender and just —  
 Not Bhíma's nor Arjuna's, true to both,  
 To Madri as to Kunti, to both queens.  
 Hear thou my word ! Because thou didst not mount  
 This car divine, lest the poor hound be shent  
 Who looked to thee, lo ! there is none in heaven  
 Shall sit above thee, King ! — Bharata's son,  
 Enter thou now to the eternal joys,  
 Living and in thy form. Justice and Love  
 Welcome thee, Monarch ! thou shalt throne with them !'

"Thereat those mightiest gods, in glorious train,  
 Mahendra, Dharma, — with bright retinue  
 Of Maruts, Saints, Aswin-Kumāras, Nats,  
 Spirits and angels, — bore the king aloft,  
 The thundering chariot first, and after it  
 Those airy-moving Presences. Serene,  
 Clad in great glory, potent, wonderful,  
 They glide at will, — at will they know and see,  
 At wish their wills are wrought ; for these are pure,  
 Passionless, hallowed, perfect, free of earth.  
 In such celestial midst the Kuru king  
 Soared upward, and a sweet light filled the sky  
 And fell on earth, cast by his face and form,  
 Transfigured as he rose ; and there was heard  
 The voice of Narad, — it is he who sings,  
 Sitting in heaven, the deeds that good men do  
 In all the quarters, — Narad, chief of bards,  
 Narad the wise, who laudeth purity, —  
 So cried he : ' Thou art risen, Kuru king,  
 Whose greatness is above all royal saints.  
 Hail, son of Pandu ! like to thee is none  
 Now or before among the sons of men,  
 Whose fame hath filled the three wide worlds, who com'st  
 Bearing thy mortal body, which doth shine  
 With radiance as a god's.'

"The glad king heard  
 Narad's loud praise ; he saw the immortal gods, —  
 Dharma, Mahendra ; and dead chiefs and saints,  
 Known upon earth, in blessèd heaven he saw,

But only those. 'I do desire,' he said,  
 'That region, be it of the Blest as this,  
 Or of the Sorrowful some otherwhere,  
 Where my dear brothers are, and Draupadí.  
 I cannot stay elsewhere! I see them not!'

"Then answer made Purandará, the God :  
 'O thou compassionate and noblest one,  
 Rest in the pleasures which thy deeds have gained.  
 How, being as are the gods, canst thou live bound  
 By mortal chains? Thou art become of us,  
 Who live above hatred and love, in bliss  
 Pinnacled, safe, supreme. Sun of thy race,  
 Thy brothers cannot reach where thou hast climbed!  
 Most glorious lord of men, let not thy peace  
 Be touched by stir of earth! Look! this is heaven.  
 See where the saints sit, and the happy souls,  
 Siddhas and angels, and the gods who live  
 Forever and forever.'

"'King of gods,'  
 Spake Yudhishtira, 'but I will not live  
 A little space without those souls I loved.  
 O Slayer of the demons! let me go  
 Where Bhíma and my brothers are, and she,  
 My Draupadí, the princess with the face  
 Softer and darker than the Kihat-bud,  
 And soul as sweet as are its odors. Lo!  
 Where they have gone, there will I surely go.'"

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## THE CHINESE QUESTION.

THE hostility to the further introduction of the Chinese into this country assumes three phases,—the economical, the religio-moral, and the political. The three objections strengthen each other because they come from distinct classes and are allied with diverse interests. The economical objection comes from the wage-workers, members of the trades-unions and guilds, which are ultra-democratic to the verge of communism in politics, and are under the influence—in Europe wholly, and in America largely—of secular, not to say atheistic, leaders in religion. The religio-moral objection comes largely from the poli-



ticians and editors who assume that the Protestant churches of the United States ought to array themselves in solid phalanx against an impending deluge of the worshippers of Joss. The recognized leaders of Protestant Christian opinion are found to be less affected by *China-phobia*, so to speak ; still it is possible that the politicians and editors gauge the average religious sentiment of their constituencies more faithfully than do the prominent divines and Christian laymen who would at least tolerate, if not advocate, free Chinese immigration. The political objection is that we cannot assimilate the Chinese into competent republican citizens ; that their dispositions, wholly irrespective of their grade of intellectual culture, adapt them to despotism, and would render their incursion in any considerable numbers formidable to the permanency of republican institutions. This objection comes less from the working or the religious classes than from the thinking classes *par excellence*, who look behind the popular faith in the all-sufficiency of our system, and distrust the political influence already exerted by our huge immigrant vote, our large non-taxpaying vote, our newly enfranchised colored vote, our impatiently demanded women's vote, our prospective Indian and possibly Mexican vote, and finally, to cap the climax, this "vast" impending Chinese vote. Citizenship in our republic began with American freeholders, was enlarged to include householders, then took in the immigrant pauper, next the negro ; but, under an imperious necessity of drawing the line somewhere, it stops at present at the woman, the untaxed Indian, and in most States the Chinaman. Such are the forces which oppose Chinese immigration. In its favor there are also three forces, which are more than mere opinions, and of which the work is going on while its adversaries are objecting. In 1860 these influences had brought but 34,393 Chinamen to the United States ; in 1870, 63,254 ; while the census of 1880 will probably increase the number to 120,000. But the rate of inundation is expected by many to accelerate in geometric ratio, like an avalanche.

The interests of the Chinese, the interests of American employers of labor, including all who are making use of enough capital to employ any labor whatever, and the *vis inertiae* which disposes all governments and peoples to leave the march of industry to be directed by its own captains, unless some clear and imperative reason exists for intercepting it, — these are the three forces which are bearing the Chinaman to our shores. He greatly improves his condition by coming even before he begins to learn our language, and long before he is willing to adopt in the slightest particular our habits or dress. While the Chinaman has no desire that wages should be small, and does not prefer scarcity to abundance, or suffering to luxury, still the disadvantages under which he is willing to live render it easy for

him to drop ten or twenty per cent below average rates of white labor,—and to this extent his employers are benefited.

Profit in economy is the equivalent of gravity in physics. In an industrial sense the Chinaman comes here by operation of the same law which brought the white and negro races here, — because he was needed, was beneficial and benefited. Nothing will stop him but legislation, and nothing will produce the legislation save well-founded apprehension or a scare. Nothing should produce a scare except a danger the degree of which we are unable to gauge.

Chinese immigration is not, like the Asiatic cholera, an imponderable agent, nor an unmixed calamity. It can be measured as proximately as any other social force. Its advantages can be weighed against its disadvantages with as much deliberation and as clear prescience as could be applied to the emancipation of slaves or the payment of the national debt. Much of the hasty and *ad captandum* thought concerning the Chinese question rests on the assumption that the Chinese Empire, and especially China proper, is full to the brim with a population of from four hundred to five hundred millions, and is therefore inexhaustible; that even our supply from Europe is trifling compared with what may be expected from China. It may seem audacious to deny that an assumption of such long standing has any trustworthy foundation; and were we the first to do so, we should exhibit all due caution. But it so happens that not a single geographer or statistician, or writer on the Chinese Empire, of any repute or judgment, has regarded these figures as other than romances, to be classed with that period of 265,000 years which is said to have preceded the opening of Chinese history, or with the fabulous and impossible millions attributed to the armies of Darius and Xerxes, and indeed to all Oriental hosts. The want of the Arabic decimal system of itself casts just suspicion on all enumerations which pass into millions, since the symbolism by which they are to be represented and calculated is precarious and complex almost beyond ordinary conception. The Chinese system gives prominence to the multiples of ten, as indeed did the Roman; but it does not include the essential principle of the Arabic decimal system,—that a given figure, 5 for instance, shall have the power of representing 5, 500, or 50,000 according to the order in which it stands, thus rendering it as easy to add or multiply millions as units. Nor does the ready accuracy with which the Chinese make their ordinary mercantile calculations argue that their system is one whereby a census of a great empire could easily be taken.

But if this were otherwise it would avail nought, since no authoritative census has ever been published by the Chinese Government. The statistics sometimes spoken of as censuses are really summaries



or totals, reported by foreigners as having been obtained by them from some distinguished mandarin or "learned pundit" of the empire, based upon some alleged census. Not only is the Chinese Government responsible for none of these figures, but the fact that any mandarin is responsible for them rests on the testimony of an intermediate informant and translation. Malte-Brun denounces as a fabrication the alleged census for 1792, furnished to Sir G. Staunton by the Chief Mandarin Chow-tin-jin, and which makes the population of China proper 307,467,200, because the totals for the provinces are all in round numbers and those for two of the provinces are alike. In the chart of Mr. Martin, the area of two of the provinces is identical, and their populations so nearly so as to suggest that one was copied from the other. J. R. McCulloch distrusts altogether the alleged Chinese censuses, particularly the modern increase of population which they exhibit, "because China had been long settled and civilized, her public works had been undertaken and completed at a remote period, and the arts have been stationary for ages among her people," and thinks the (alleged) "rate of increase is such as could have been realized only in an unoccupied and very fertile country, colonized by a people far advanced in the arts, and that it is all but absurd to suppose that it should be realized in an old, settled country, with stationary arts, like China." De Guignes, after a careful and acute comparison of the evidences of population in China with those in Holland and France, says: "All these reasons clearly demonstrate that the population of China does not exceed that of other countries." R. M. Martin, compiler of the "Statesman's Year-book," says that the popular estimate of 425,000,000 souls for the empire and 405,000,000 for China proper "rests upon various missionary reports, none of which can lay claim to be more than vague estimates."

A brief survey of the censuses themselves will not only enable but compel every impartial reader to agree with these opinions of Malte-Brun, McCulloch, De Guignes, Martin, and the others who have written on this subject. The first alleged census dates in 1393, prior to the Tartar conquest, when China was under its native emperors. It states the population of China proper at 60,545,811, or one half more than the present populations of either France, Austria, Germany, Great Britain, or the United States. Three hundred and sixty years afterward, in 1753, when the population had been fully brought under the Tartar government, it was numbered at 102,328,258, being an increase of only  $\frac{1}{4}$  of one per cent per annum, which would be very fair. But thirty-nine years afterward, in 1792, the census furnished by the mandarin to Sir G. Staunton, and denounced by Malte-Brun, assigns a population of 307,467,200, or fifteen-fold greater than

it had been eighty years earlier, which would be an increase of about five per cent per annum, or twenty times the rate of increase during the preceding period, and several times greater than has been known even in the United States. Meanwhile the four censuses attributed to the Tartar dynasty during the fifty years from 1662 to 1711, in which it had not complete sway over the inhabitants of the southern and western provinces, exhibit the population of China proper at 21,068,600 in 1662, 25,386,209 in 1668, 23,312,200 in 1710, and 28,605,716 in 1711. The missionaries to whom we are indebted for the larger estimates of the Chinese population account for these barren censuses by the theory—for which there is no proof—that during this period the Tartar emperors counted in the census only the people over whom they exercised actual sway; but, on the contrary, in the work of John Francis Davis, Esq., late H. B. M. chief commissioner in China, entitled “The Chinese: A General Description of China and its Inhabitants” (1840), we find (page 351) that the same discrepancy is attributed to the fact that the census taken in 1710 was taken with a view to distribute according to it the poll-tax and military service, while the census taken in 1793 was for the avowed object of apportioning government relief during periods of drought, inundation, and famine. A return fifteen-fold greater was made when alms were to be distributed in the ratio of the population than when a poll-tax was to be assessed. This will not seem strange to Americans, who have observed that in those of our States where the chief burden of the tax rests upon lands in proportion to their value, the lands are assessed at only one third (in New York) to one fifth (in Illinois) of their value; whereas, were the Government to propose a universal distribution of live-stock, seeds, and greenbacks, in proportion to the value of the lands in the several States, the lands might possibly be returned at from three to five times their value. Mr. Davis refers, “on the authority of a Chinese work of some note,” to a census said to have been taken in the seventeenth year of Kea-King (1812), making the population 360,279,897; while Dr. Medhurst, a missionary, in his work on “China: Its State and Prospects,” quotes Dr. Morrison as having obtained, in 1790, “exhibits” of the population as then amounting to 143,125,225. Here is a bald discrepancy, between two statements only twenty-two years apart, of 217,154,672, or nearly two thirds. Commissioner Davis explains the process of census-taking thus:—

“When a census is especially called for by the emperor, the local officers just take the last one and make a lumping addition to it, in order to please his Majesty with the flattering idea of increase and prosperity. Now, although it is true that the enormous census of 330,000,000 was not made to impose on foreigners, yet it might have been made by this proud nation to impose on themselves.”



If we pursue these estimates in detail, they resolve themselves into contradictions as palpable as those which pertain to them in mass. Wherever actual statistics exist, the three indices of density of population are: (1) The presence of machine power; (2) The abundance and rapidity of means of transportation; and (3) the large ratio of the area of cultivated lands to uncultivated. The first two are entirely absent in China. No horses or mules, camels or oxen, and very few asses are kept, and nearly all transportation by land is on the backs of men. This confines population to the river-banks, leaving the plateaus with a far sparser population and less tillage than in Europe. Belgium, with a population of four hundred and thirty-six persons to the square mile, brings fifteen seventeenths of her land into cultivation. New Jersey, having only one hundred and eight persons to the square mile, brings half her soil into improved lands and one third into actual tillage. In China, on the contrary (according to the statistical chart prepared by Mr. R. Montgomery Martin, her Majesty's treasurer for the colonial consular and diplomatic service in China, and member of the Council of Hong Kong, also compiler of the "Statesman's Year-book," and an experienced and careful statistician), all these figures are reversed, and ordinary principles concerning the population and the factors incident to their support are set at nought. Even Mr. S. Wells Williams, in his work on "The Middle Kingdom," while disposed to believe the Chinese population to be very large, discredits as "unparalleled" and needing further proof the enormous averages of 850, 705, and 671 inhabitants to the square mile respectively for Kiang-su, Nghan-hwui, and Chih-Kiang, — districts where two thirds of the lands are uncultivated. The return indicates 3,200 to every cultivated square mile in Nghan-hwui, which is a ratio eight times greater than in Belgium. A chart presented by Mr. Martin contains some statistical information, from which many interesting and instructive comparisons may be obtained.

By this it appears that in China proper but one acre in six is cultivated, — a datum which, if it has any such basis in fact as these elaborate returns seem to indicate, wholly overthrows the dense-population theory. Doubtless if alms and relief were distributed in the ratio of cultivated acres, an immense area of cultivation would be returned. Moreover, the army which results from and holds in subjection this alleged population, nine times as great as that of France, is barely as large as that of France or Germany, and less than that of Russia! It is not a little singular, too, that while the Chinese Empire, including Mantchuria, the Corea, the Mongol Territory, Thibet, and other outlying provinces, has an area of 4,098,823 square miles, of which only 1,297,999 square miles belong to China proper, yet we find the population of the exterior

provinces authoritatively (?) stated at only about 2,000,000. Is this to be accounted for on the theory that relief is never sent into the provinces in case of famine, or do the tendencies toward population suddenly disappear with the boundary line of the Middle Kingdom, wherein provinces as mountainous and sterile as Switzerland appear to be populated as densely as Illinois?

Comparing the chart with European populations, we find that Belgium, a manufacturing centre, making use of vast machine and coal power, and occupying the position of a metropolitan province toward all Europe, and having a population of four hundred and thirty-six persons to a square mile, is exceeded by the *ratio* of Chih-le, equal in area to five Belguims, Shan-tung, equal in area to six Belguims, and is nearly doubled in ratio by Kiang-su, Nghan-hwui, and Che-kiang, equal together to twelve Belguims; and yet one of these provinces is set down as "sterile," and another of them as "very hilly but fertile." The sole machine in use in all these provinces is that by which the priests succeed in bringing one hundred thousand different printed prayers at once to the eye of Joss. A buffalo hitched to a rude stick draws the plow, and the rice is pounded to flour in a mortar, as in the age of pre-historic man.

England and Wales, of which five sixths are cultivated, though aided in their labor by a machine power equal to the manual labor of the entire population of the globe, and including the metropolis of the world, count only three hundred and eighty-nine persons to the square mile, while the sterile province of Shan-tung, only two fifths of which are cultivated, counts five hundred and fifteen. The "sterile and hilly" province of Kiang-se, cultivating only one sixth of its land, counts a population of four hundred and twenty-one to the square mile, or about twenty-five hundred to each cultivated square mile, while France, cultivating ninety-three per cent of all her land, attains only to one hundred and eighty-six per square mile, or two hundred per cultivated square mile. The province of Yun-yan, of whose lands only one forty-seventh part is cultivated, and which is "the Switzerland of China, very wild and jungly," claims a population of fifty-one to the square mile, or twenty-four hundred to every cultivated square mile, while Illinois has a population of only forty-five to the square mile, and one hundred and fifty-seven to the cultivated square mile. Foo-keen, only one fifteenth of which is cultivated, and which is "very mountainous, but fertile where tillable," has a population of two hundred and thirty-six to the square mile, while Connecticut, cultivating eight fifteenths of her land, has only 113.15; Massachusetts, cultivating one third, has only 186.84; New York, cultivating one half, has only 93.25; and Rhode Island, cultivating two sevenths, has only 166.43. In Wisconsin there are



five acres of cultivated lands *per capita* to each person supported in the State, while in the very wild and jungly province of Kwei-choo, where only one acre in eighty-four is cultivated, there are ten living persons to every acre of cultivated land, making a cultivated acre in a Chinese province, where there are plenty of uncultivated acres to spare, support fifty times as many persons as in Wisconsin. To credit such statistics is idiocy.

Travellers through vast regions of the hill country of China, away from the rivers, describe them as being as destitute of population, of roads, of hovels, or of tilled lands, as Tartary. Owing to an utter lack of transportation, population is only possible along the rivers, and even there it presents no greater appearance of compactness than in Europe and America, save as a larger population live in boats. Let an American immigration penetrate into China, taking with them steam-roads, horned cattle, plows, reapers, horses, and mules, opening up the deserted plateaus to settlement, and it would be found that the Chinese Empire might triple its present population before its desolate acres would come into that fulness of cultivation which obtains in Belgium.

Those who have defended the extravagant reports of the population of China have in one or two instances obtained stories concerning the average of cultivation which would fit the statistics of population. Thus Dr. Medhurst, in his work above quoted (1842), declares that "there exists a report, made to the Emperor Keen-Lung in 1745, of the amount of land then under cultivation; according to which it appears that, reckoning the land belonging to individuals, with that in the possession of the Tartar standards, the military, the priests, and the literary class, there were at that time 595,598,221 English acres under cultivation, since which period a new estimate has given 640,579,381 English acres as the total extent of occupied land of China." The fact that Commissioner Martin five years afterward had never heard of such a report, but was furnished with elaborate figures showing only one fourth as large an area of cultivable lands, indicates that Dr. Medhurst's alleged report to Keen-Lung was a fiction. Estimating the population of China at the same number per cultivated acre as are sustained in France, it would amount to 44,997,600. We are not willing to estimate that a cultivated acre will sustain more than from two to three times as many persons in China as in France.

Instead of the "myriads of millions," as Senator Blaine phrases it, that are ready to deluge our country for want of land in their own, we find a race probably reaching an aggregate of from 80,000,000 to 120,000,000. Their lack of means of transportation prevents them from developing from two thirds to three fourths of the acreage of

tillable land in their own country. Hence they are slowly dribbling into ours, in order to come into conjunction with a race who are in the midst of an epoch of evolution, in the matter of implements of transportation and of agriculture, such as the world has never before seen. What the age of Pericles was in the development of Greek art, or that of Justinian in the perfection of Roman jurisprudence, that is our own age in the matter of transportation and the handling of vast agricultural areas. We have in greatest abundance what China most lacks, — live-stock and agricultural and transportation machinery; and China possesses a present small and temporary surplus of what we most lack, — docile, patient, temperate, skilful, obedient laborers, with muscles of steel and hearts of women. Yet the exchange of these needs is a delicate problem, to be conducted with tact and prudence on both sides. The Chinese Government is not wholly unwise in fearing the disruption of industry and the perils of starvation to millions of Chinamen which would result from the sudden breaking up of their long-settled habits and channels of industry by any premature introduction of railroads, steamers, stationary machinery, and manufactures, which would underwork the Chinamen themselves, and turn them out by millions to die of famine, or to be transported, — as has been the fate of the Hindu populations under like causes. Among the leading mandarins and diplomats who accompanied Burlingame's embassy to this country ten years ago, we heard the opinion freely expressed that when American machinery and agricultural implements could be introduced into China through the services of returned Americanized Chinamen fully educated in their use, so that race questions and international issues would not intervene to complicate the inevitable labor troubles, then they would be not only tolerated but welcomed by the Chinese nation. This is sound Chinese statesmanship; and woe be to the day when it shall ever be broken down in China, as it has been in India, by Christian bayonets and bullets!

In our recent debates in the Senate it was conceded that the total of arrivals of Chinese in this country during thirty years did not exceed 233,000; that the official figures showed 93,000 of these to have gone back again; and that, estimating deaths of twenty in every thousand per annum, only 105,000 are left, — a number less than has often come from Europe within two months. Arrivals at the rate of 4,000 per year, when European immigration has frequently risen to the rate of 600,000 per year, are not a terrifying spectacle; particularly as the Chinaman, whatever may be the defects in his moral code, neither sheds blood, robs, brawls, ravishes, nor drinks rum. His vices are confined to gambling, lying, petty pilfering, smoking opium, and living compactly and indecently.



Mr. Blaine lays severe stress on the fact that the present Chinese immigration consists almost solely of single males, and that the few women who come are prostitutes. This fact, whatever may be its obverse moral side, presents in an industrial and economical point of view only advantages ; for it affords us the maximum of industrial aid at the minimum of cost. We take the muscular and efficient, without the burden of the helpless class. China sends only those who fill our granaries, while Europe sends thousands who fill our prisons and poorhouses. Prostitution, whatever its evils, does not promote population, and with the Chinese it seems to take the form of polyandry rather than of what we call prostitution. At present, certainly, a better class of women could hardly be expected ; for it cannot be denied that for the individual Chinaman this has at times been a dangerous country, since the lower classes of Christian populations shed blood on far lighter pretexts than do the Chinese. Mr. Blaine will remember that in the early history of California there were few women and no babies : the story is even told that on one occasion the audience at a theatre stopped the play to listen to a baby's cry. The remark which Mr. Blaine now applies to the Chinese population would then have applied to the Anglo-Saxon population as well, — namely, that “ in the entire Chinese [Anglo-Saxon] population of the Pacific coast scarcely one family is to be found ; no hearthstone of comfort, no fireside of joy ; no father nor mother, nor brother nor sister ; no child reared by parents, no domestic and ennobling influences, no ties of affection.” Would it have been well at that time to have stopped the current of immigration into California by hostile legislation, until polished and refined ladies and gentlemen were ready to troop to scenes of hardship, suffering, and danger in moral families and aristocratic platoons of the real *bon ton* ?

The advance-guard in the march of industry consists necessarily of men. But so far from the Chinese, as a race, being inferior to Americans in their attachment to the family, they venerate the family with a passion that rises into worship. The *Encyclopædia Britannica* says in substance : —

“ There is a vast deal of quiet, happy domestic life in China. In the ordering of a Chinese household there is much that might be imitated to advantage by European families. Early marriages are universal, and the patriarchal system of family life is dear to the heart of every Chinaman.”

The respect of Chinese children for their parents is infinitely greater than prevails in America or Europe, and is so closely blended with ancestral worship that we condemn it. So, also, we condemn that mode of religious parental love which relies upon the offerings of food and milk which sons will lay upon the altars of religion after a parent's death to enable the deceased to maintain the spirit life. We

condemn also ancestral worship, the preservation of the bodies of parents, and the notion of the necessity of the return of the body to its native land on religious grounds. But it cannot be said that a race in whose constitution the ties of filial and parental love find expression in these to us exaggerated forms is below us in the strength of its domestic affections, because forsooth a few Chinese immigrants, struggling for existence among a hostile people by whom they are largely misunderstood and disliked, consist only of males and bought women.

The objection that because the labor of Chinese immigrants is mortgaged to pay for their passage, or for debts incurred in China, therefore it is not "voluntary," smacks of that species of sophistical morality into which European and American politicians seldom descend except in dealing with barbarian races. The labor of multitudes in the United States is involuntary in the sense of being mortgaged for the payment of debts incurred in getting the laborer into his present field of labor. If this were slavery, then most of us are slaves. If treaties are to be broken because the "six companies" refuse to take the Chinaman back until he has paid the cost of bringing him here, then let all American laws for the collection of debts be abolished. Even this would not be parallel: we must needs repeal also that freedom which permits a merchant to refuse a new credit until the last is paid.

We brush away, therefore, these superficial cobwebs of the "hoodlum" brain, born largely of the attempt to base statesmanship upon prejudice, and to govern the country from the "sand-lots," instead of from the Senate. China being without a census, any one is at liberty to "guess" its population, either in whole or by piece-meal. It might be rationally estimated at from 80,000,000 to 150,000,000, and might send us within the next fifty years, if slightly encouraged, 2,000,000 of persons, or if adequately encouraged, 5,000,000 of persons; if oppressed by scarcity in China, and also encouraged by a liberal system of importation, it might even send us 20,000,000, which is assuming a deportation comparable to that from Ireland. An immigration of 2,000,000 would be ten times greater, and one of 20,000,000 would be one hundred times greater, than has yet occurred from China. Fifty years from now our country ought to contain 100,000,000 of people, of whom on the former basis two per cent and on the latter twenty per cent would be Chinese. The latter, be it remembered, is only that supposed "catastrophe" in its direst form which would result from the combined effects of free immigration and a Chinese famine. The return, however, of hundreds of thousands of Chinamen to their native land, educated in American processes of industry, carrying with them steam-roads, vessels, and manufacturing machin-



ery, steam-plows, reapers, mowers, and ditchers, the Utah system of irrigation, the Minnesota system of wheat-raising, and the American systems of architecture, of diet, and of medicine, would amount to ample guarantees against famine in a country where industry is peculiarly unbroken, though straitened for lack of many of the means of industry, and where famine, except as a local and temporary result of drought or inundation, is unknown.

Meanwhile, what would be the industrial effect of these Chinese on the growth of this country, of which the geographical centre is two hundred and fifty miles west of Omaha, one half whose territory has not yet been touched by the settler, and three fourths of the other half of which has been skinned by wasteful and prodigal systems of husbandry, under which the soils are declining year by year in fertility? We might employ all the Chinamen whose arrival we have predicted in simply restoring and enhancing the quality of our soils, from which Professor Henry computed thirty years ago that there had been an exportation of wealth in the form of fertility equal to all the wealth then aggregated in all forms upon the surface. The influence of Chinese labor upon agriculture, and of Chinese economies upon mining and manufacturing industries, has not yet been felt in this country in the degree in which it would be palpably beneficial. In restoring the sewage of our great cities to the farms, instead of polluting the waters of our bays and harbors with it, the Chinese example, practically applied by their own labor, would be of infinite advantage. A pestilence is far more likely to result from dumping the filth of New York at the Narrows, to float back and saturate the docks with its reeking burden, so essential to our farms and so fatal to our atmosphere, or from the holding in perpetual solution in the harbor of Chicago of all the stationary sewage of the city, than from the pent-up effluvia of opium-smoking in the Chinese quarter of San Francisco. Throughout the South,—where in many cities the buzzards are the only scavengers, and where epidemic diseases rage with a virulence unknown in China, and where in some cities also prevails the system of burying human bodies above ground in mere ovens, from which it is only a question of time how soon the decomposed matter shall pass out to be breathed by the surrounding populations,—the sedulous care with which the Chinese restore their soil, and embalm, bury, or burn their dead, would be full of profit.

As yet the country has felt the benefit of Chinese skill and industry only in our laundries, in a few manufactories and mines, and in California as domestic servants. They are capable of reinforcing our agriculture, and improving it vastly both in its diversity of products and in its economies of management; of stimulating our inland river and lake navigation, and bringing it again into effective competition

with our railways, since a large proportion of the Chinese are accustomed to a life in boats and a diet of fish ; of supplying our railways with an effective force of brakemen, switch-tenders, track-builders, and machinists, for though the Chinese are destitute of the inventive faculty they learn readily all mechanical processes ; they will help to run into our mountain regions the many narrow-gauge roads required to develop the still untapped resources of our Rocky Mountain Mineral Belt ; in the Southern States they will supply a class less volatile and more reliable, industrious, skilful, and neat, than the blacks, and therefore more acceptable to the white race ; and there are reasons to believe that in their hands the culture of the silkworm and the tea-plant, in the Southern States and in Mexico, might be made a success.

China, under the influences of the returning stream of emigration, would become the market for an American commerce in live-stock, machinery, and agricultural implements, such as would bring us into as close commercial relations with that empire as England has maintained with India, without being preceded by the wars, oppressions, and frauds, or attended by the disruptions of native industry, famines, deportation, and subjugation which have been the opprobrium and the calamity of English domination in Hindustan. America might and should, without conquest, become the chief dominating factor in moulding the future destiny of this so numerous nation, trusting only to enlightenment for her power and to justice for her influence.

"But," says Mr. Blaine in substance, "if the Chinaman will not make a good voter, we ought not to let him become a worker among us. If he is not fit to help govern us, he ought not to be permitted to do our work."

It is time that political institutions in whose fertile soil such theories breed should be re-examined from the bottom, and the inquiry made whether there lurks not in them some fundamental defect, to which we cannot permit further existence. If the people who are to come into a country must be strained to adapt them to its Constitution, it is time for us to consider whether we will not remodel the Constitution to adapt it to the people. Mr. Blaine looks upon the Constitution of the United States as an unalterable Himalaya range, to which the growth of empire and the course of immigration should adapt itself. He is as wise in this regard as the aristocrats of the Slave-power, who for a century thought that the Constitution was a law above Nature, to which the forward march of the negro race ought to adapt itself. But paper constitutions cannot bind the course of migration or the destiny of the human race. Like creeds and catechisms, they are good for so much progress as they express, but void as to all the progress they restrain. If the Chinaman is



needed in an industrial sense, but if we do not wish him to take, or he does not wish to take, a share in governing this country, it is an indication that the attempt to govern society from the bottom upwards might not be so palpable a success in the case of the Chinaman as we find it to be in the case of the negro, the Irishman, and the pauper. A little more courage will enable us to say that it is not a success in the latter cases ; and when we have said this, we are brought face to face with the conclusion that if our constitutions of government are endangered by the admission to the suffrage of those classes and races whose industry would promote our prosperity and their own, we ought to remodel our constitutions, instead of excluding immigration of this valuable kind. For if the Chinese vote would endanger the republic, then there are elements in our present voting population which are no better, and therefore may be ample for its overthrow.

VAN BUREN DENSLOW.

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## PORTRAIT-PAINTING AND GILBERT STUART.

AN old legend claims that portrait-painting was invented by a lover, who traced upon the smooth bark of a tree the silhouette of his mistress. The same method, substituting a wall for the tree and a candle for sunshine, will succeed often now in securing a striking likeness. The contour of a brow, the prominence of a lip, the shape of the head, suffice, with imagination's help, to make us see adequately the resemblance of a friend. By emphasizing individual traits, and omitting all the rest, the likeness seems even greater than it is. Criticism has nothing to take hold of, from the simplicity of the statement. Everything told that is not true bids against the prosperity of a picture. The niggling fashion of some portrait-painters, who hope by accumulation of details to make the sum total greater, is unrewarded by success. The condition of the mind of the artist will subtly pervade our own impression of his work ; and if he is not thinking of a face as a living, breathing exponent of character, but an accumulation of details, we shall not see it as a whole. This art of leaving out is the secret of success. Nature can be trusted with infinite detail, for she fuses it through living completeness with unity of impression ; but every stroke which misses, fights not for but against the object of the artist. Amateurs cannot distinguish at first the value of the facts before them ; they are fascinated by a network of light and shade ; they fail to see where the emphasis is

placed ; they are unaware how helpless man is to express microscopic gradations, and therefore their very painstaking betrays them. It is singular how in a clever work we do not miss what the artist does not care to have us see, — how he will impose on us the conditions he desires, and how content we find ourselves with his abstinence. The mind holds conveniently but one impression at a time. Two different impressions destroy each other ; and the meaning of a landscape or the expression of a countenance is led up to by touches pointing in the direction of the effect desired, focusing at last into a harmonious entity. It is interesting to see how soon the ancients found this out. They made the same discovery we do, — that art does not concern itself with the exact reproduction of anything. A man absolutely reproduced in lineament and figure, color and form, belongs rather to the Museum of Madame Tussaud than to any Walhalla which glory consecrates. Man desires to remain the lord of creation, even when he is emulating its repetition through form and color. Mr. Ruskin would make him its slave, and would have him servilely copy the tendril of every vine, the blade of every grass. He would bind man to a regard for form from which Nature is perpetually escaping ; while he obediently imitates the free rings of a tendril, lo ! it is pushing beyond into new forms, new lines of beauty, and criticising the prostrate worshippers by a freedom which its portrayer did not possess. Mr. Ruskin has a devotional spirit, and not only feels but expresses beautifully the adoration of a loving spirit in this great temple wherein he dwells, and the majestic and refined garnishing he sees everywhere : this predisposes him to the fetichism for details unimportant in themselves. As the Turk will not tread in the street upon the bit of paper on which the name of Allah may be written, so Mr. Ruskin looks upon every living and breathing thing as bearing a divine autograph. But the world really is fluid, evanescent ; and though its many forms, in august diversity, express a divine intention, their very variety suggests that no one is essentially sacred, but that they fluctuate and interchange with that liberty which is not denied to the lowest forms of life, and is man's best birthright.

Modern artists have not as yet sufficiently studied the method of rejection of ancient Egypt. The Egyptians invented the flat relief in which rotundity can only be suggested ; they found that by the faintest shadow they could indicate the activity of a muscle, and by the most graded swelling could hint at the rounded fulness of body or limb. They knew that when the imagination must do so much it should be imprisoned in a faultless outline. No uncertainty, no mere suggestion, would do here. By this method, undisturbed by attempting too much, they reached not only man's figure, but the exact form



of birds and beasts. It almost seems a revelation to us as we find there the graceful or majestic lines of our brothers of creation. They do not attempt to give the hairs upon the back of a lion : they render the leonine soul, the vast jaws wherein the thunder sleeps, and the folded muscles whose exercise threatens death. It is noticeable that their art, flowing as it did from the processional element in their religion, never attempts foreshortening ; no procession comes toward us, — a procession so beheld is at the greatest disadvantage, — nor had their study of Nature occasion then to go so far. Meissonnier can whirl his squadron at Eylau directly in your face and succeed ; but the Egyptians would not have attempted it. But could Meissonnier, or any modern artist, render the *naïveté* of pride of the haughty king, or the sinuous grace of the long line of worshippers ? Greece loved it till it was reproduced on the Parthenon, with something added which appeals more directly to us, — Europe and not Africa telling of human grace and nobleness. What modern artist could render the essential form of creatures as did old Egypt ? In a hawk, an antelope, or other animal, they almost seem to have drawn from the pattern in the Creator's mind, whence came all life ; and so justify their creed of life's sacredness that when they contrive impossible combinations, — the body of a lion with a man's head, — they do not fall into caricature, but seem for the moment to make us think the conjunction possible. Familiarity is said to breed contempt ; and our long acquaintance with the animal creation makes them subjects of our mirth when we so will it. Who but an Egyptian could give to the sacred cat a gravity which awes us ? though if we choose to look we can see that it is really there.

In another particular they held to what we have mostly missed. Judging by what they have left us, their world would seem to have been a happier one than ours. While it was less complex than our own, it was informed, unlike barbaric races, with a questioning intelligence and a practical skill which carried them high up toward the joy of successful thought. Their warriors smile a deep, restful smile, which the accident of killing an enemy could not disturb. We find in them a look of peace which it does us good to behold. In the Roman worship the procession still survives, and only there ; but art cares not to use it, and in place of the serene and happy faces of gods and warriors, it gives us the agony of martyrdom, and the holy wretchedness of saints at war with Nature and their own desires.

What we now call realism was perhaps undervalued by the Egyptians ; something ideal impresses us in their simplest outlines of men or animals. But there is a famous figure of shittim-wood in the Museum at Boulag which strikes every visitor with astonishment. It might be a middle-aged banker of our day, and its double chin and

jolly rotundity we hardly, after the slim figures of the temples, associate with Egyptian art ; yet it is one of the oldest works which Egypt furnishes. We at once apprehend the imperishableness of wood when properly dried, and the survival of that comfortable figure in many a prosperous citizen.

A human face, a human figure, till landscape painting came in, was all art had to deal with. Think of the thousands of combinations, as gods and goddesses, kings and heroes, which the painters and sculptors have fashioned from a human pair ! It would seem to have exhausted its interest long ago, and yet we never weary of it. The face of man still challenges our utmost skill, and its last expression, its perfect color, mostly escape in our attempt. There breathes from the skin something more than color, which no pigment can reach, — a glow of life, an illumination from within, which make the same features when stricken in death so pathetically empty. It is the something divine in man, which moves through his limbs and looks from his eyes, after which the artist is striving. If he be a follower of the ideal, it is that nameless grace, that beauty which hints at a higher beauty than its own, which beckons him onward ; and if he be a portrait-painter, it is character, half-hidden, half-revealed through its mask of flesh, which teases him with the difficulty of attainment to express. The photograph happily criticises this perpetual struggle to reach the evanescent soul, which flashes and retreats as the features give or withhold the meaning within. Photography gives the loveliest woman's face with the indifference with which it would render a block of wood or stone. It not only does not flatter, but it distorts. There is but one point, the point of focus, which is truly correct in a photograph ; and yet we are often told that photography, like figures, cannot lie. But while the lovelight in the eye, the tenderness which hovers round a smile, are denied to it, it has one supreme advantage over everything else : it is authentic ; the face it tries to represent was there ; and we are obliged to feel, even in caricature, that we are not far from the object attempted.

To the sailor in his morning watch, or to the soldier wounded on the battle-field, how dear is this authenticity ! No picture, no portrait by Titian or Reynolds, could come so near to him as this flat gray repetition of the familiar face. It is a part of the march of democracy which God and science favor, that to the humblest comes this marvel of reality, this duplicate of a life which art had never reached. Photography has killed the miniature on ivory, as democracy takes the lustre from a feudal title. The many gain what the few lose ; and science, which gives us daily what is farther removed from the world's childhood, its pretty colored toys and images, seems to look sternly at her elder sister. But, though frightened at first, art finds



she has nothing to fear ; for no device of science can cheapen the value of the hand of man when exercised in the world of painting or sculpture. It is the incompleteness of man's work — what it fails to reach as much as what it can accomplish — which makes the charm that holds us. Can anything be more childish than to think, with a few colors smeared upon a palette and then upon prepared cloth, of attempting by little blotches to imitate the daedal earth and the lord thereof, one would say ! And yet, in this world of work, man continues to place higher and higher, to value more and more, this pretty folly.

One imagines the Deity, whom after all we must resemble in little, enjoying the act of creation. It is this something like him beating in the breast, which apes with ineffectual sympathy his inconceivable power of creation, which stirs this pleasure in our hearts. The poet and the artist share a reverential height, absolved from the meaner labor which rings around below them. They were called "makers," as if they came near to the secret of the world.

In this matter of portrait-painting, of course, other things being equal, the greatest man must be the greatest artist. But not if he be a natural child of the ideal world. One sees that there is a certain sympathy with human nature, and an understanding of it, necessary to paint successfully a man or woman. In a great degree it is a natural gift, for which there is no substitute. We see beginners, young ladies, who seize upon the features and the look of a face with a directness which old professors cannot attain ; and there are men who, through some other gift, such as color, are condemned to a barren practice of portrait-painting without ever getting a face really like. People condone the absence of likeness for the sake of color, or from a habit of indulgence. But when good luck puts the right man in the right place, and he who has to paint a face can first read it intelligently, he stamps himself upon a generation. That mysterious limbo to which bad pictures silently retreat is not for him. His slightest canvas is treasured for posterity ; his brush is even more than the pen of the historian ; the character he gives a hero lives forever. Men accept his rendering, even when imperfect, as the best they can get : a more comprehensive spirit, a larger vision, might see what he cannot ; but he sees truly enough to be accepted with confidence. He is the master of ceremonies from one generation to another. He introduces us to our parents as they were before we were born. While receiving the dollars of all, he subtilely distinguishes the generous from the mean nature, and can even betray a villain to his as yet unsuspecting fellow-citizens.

As a teacher of the world such a painter is of great importance, — more than we at first suppose, for in rendering the individual he

gives us a class and an epoch; he hints at the manners, he explains the costume. All the people of one time look alike: this must be because, with the same hair-dressing and costume, and repeating each other in manners, they get a brotherhood which is strange to us. Did all the women of Charles the Second's day have sleepy eyes? Did all Lafayette's generation have retreating foreheads? A clever actor would explain what deceives us, and give in his own person the types of many generations. Where should we be as interpreters of Othello without Titian and Tintoretto? We stand before their senatorial figures as if listening to a line of Shakspeare. Do not the busts of the Roman emperors match the pages of the satirist in fulness of statement? Do not Rasselas and the Vicar of Wakefield seem somehow natural where Sir Joshua's portraits enrich the stately manor-house of England?

How can we express the importance to us, as a new-born nation, that our heroic period is saved for us by the pencil of Gilbert Stuart? The Hercules, the Theseus, or at least the Solon and Pericles of the new commonwealth, — their look, address, and manner, — are secured to posterity forever. Money cannot express the value of such things. If the acid of disbelief, the canker of denial, sapping everything, could venture to gnaw near the memory of Washington, one look at the noble, sweetly patient face which breathes from the canvas of Stuart must reanimate our faith and continue our reverence. Though we boast no nobility, there is a certain strain of New England, New York, and Philadelphia blood which we are fortunate to have explained to us by Stuart. These were the great men who made us what we are. In this list we must count, not only the statesmen who made the laws, the lawyers who built on English foundations the triumph of justice, but the far-seeing merchant and manufacturer who planted the seeds of commerce and opened the highway to the produce of the world.

All this was done by an American. For long years the Anglo-Saxon race borrowed from the continent its artists; and the prince of portrait-painters, Van Dyck, in England heads the list. He was to Great Britain what Titian and Tintoretto were to Venice. He ennobled even an aristocracy by fathoming the meaning of its conscious repose, its highborn grace, and that transmitted nobleness by which Nature can sculpture from a plebeian quarry, after long years, refinement of contour and inherited beauty. In England it is now allowed that beauty lives chiefly in the patrician class. Nowhere is man or woman comelier than in that order; and Van Dyck was its great interpreter.

England, till lately, had scarcely expressed herself in painting, and even now the continent mostly ignores that she possesses a school.



But she has made her mark. Sir Joshua and Gainsborough come near to us with such intimacy as breathes from a people's folk-lore or its poems; we are ravished by something the continent cannot give, for they were geniuses appointed to express us to ourselves. Constable, later, and now Millais, continue this interpretation. Charles Robert Leslie once showed me a portfolio of sketches of skies which Constable had made from the top of his house. Not one was a picture, but they were the foundation of many. He loved to catch Nature in the act, and he dared to be green when many held it to be a clumsy rusticity. The first Constable sent to Paris acted on the French as English liberty had done in politics; they at once saw the meanness of the smooth falsehoods their own artists had taught them; and like a trumpet's sound that picture called Dupré and Troyon, Diaz and Rousseau, to follow the standard of Nature. The old adage, "No one is a prophet in his own country," was certainly at least half true of Constable. He is more honored in England than imitated. The only proper imitation possible, indeed, would be as hearty and thorough a study of Nature as was his.

We have said that Stuart was an American. His stock, like that of all of us, of course was European; but he was born here, — here he painted, and here he ended his days. He went to England, oddly enough, to study with another American, Benjamin West. But though we must allow to West academical ability, a superiority in the *ordonnance* of his pictures, unshared by any English contemporary, his claim as a portrait-painter is small. If he had had more, Stuart might have caught at the bait of his mannerism, and so missed finding out himself; but while in West's atelier he got good practice in essentials, it was in the old masters and the men and women about him that Stuart found his school of teaching. He had that curious eye for human nature which reads, understands, and penetrates, till, of the individual beheld, nothing escapes him. It was that Scotch eye which Burns had, and Wilkie had, — that *canniness*, that national *finesse*, which the world values as soon as it is seen. Wilkie had it in perfection. His manner was that of Teniers, but he weighted it with a human nature far beyond anything the Dutchman knew. His "Blind Fiddler" tells a story indeed; but is it less well painted for having a human interest added to the skill of its technique? Can the French, who so undervalue "literature" in art, tell a story well enough to have a right to criticise?

The recent work of Mr. Mason, with its fulness of facts and anecdotes, makes it supererogatory to enlarge upon the life and labors of Stuart. If we could recover more of those piquant anecdotes floating about since his death, it would be well; but we have enough to understand him. He had fed upon human nature since

he was a boy ; he understood it, he revelled in it, he played with it. He had that touch of humor which can tease and satirize man's blunders and oddities while secretly condoning them. He had that inevitable choice of favorites, that repugnance to certain characters, which an instructed eye must have. Some people he would not paint at all ; some he would slight ; and often, when he loved his subject, he would postpone finishing it to keep the picture by him. When a boy I had the pleasure of seeing this great artist repeatedly, and once of witnessing him at work. He was painting Mr. Shaw, the librarian of the old Athenæum in Pearl Street. The man who loves human nature is apt to share in a conviviality which unlocks the heart, but finally injures the nerves ; it was interesting to behold how Stuart, with shaking hand, would poise the brush above his work, and then, stabbing it suddenly, get the touch he desired. The Athenæum still possesses that portrait of Mr. Shaw. Compared to the early manner, it is like a face reflected from troubled water ; yet all the mastery, the taste, the learning, are there. It was genius at its setting, with enough splendor yet left to tell of the glory that had been.

The palette of Stuart, as his daughter tells us, was extremely simple. Such is the case generally with great artists. No florid richness of tint compensates for want of knowledge, of gradation, and rotundity. He mixed and prepared a few colors which artists now generally do not ; but he held to purity of tint as the first of qualities. He never outlined except with the brush ; but the grace of his curves, their individuality, their scientific accuracy, are unsurpassed. He drew the eye, the nose, the mouth, with a certainty generally wanting in others. He understood his art, and was a portrait-painter.

Samuel Lawrence of London, seeing an Allston and a Stuart hanging side by side, said, speaking of the latter, "This man has accomplished much more perfectly than the other what he attempted ; but Allston attempted what the other could not have conceived."

But if Stuart listened to no invitation to the ideal, he lived successful and secure within the limits Nature appointed for him ; and surely it is enough to live forever as the limner of a great nation at its birth, and to keep forever before the eyes of its sons the lineaments of those great men, — and of him, the greatest and purest, — who made us what we are.

T. G. APPLETON.



## IRELAND.

## I.

THE government of Ireland has once again become a subject of perplexity to the Parliament of the United Kingdom. It would seem that the unrest and dissatisfaction of the mass of the inhabitants of this neighboring island are as great as ever. Throughout half, if not more than half, its area meetings are held week after week to demand vast changes of law, but above all the establishment of an independent legislative authority within the island, so far at least as regards all the domestic affairs of its people. The tales of the numbers attending these meetings are as untrustworthy as the figures which abound in the poetic histories of undeveloped nations ; but it is certain that the numbers are large, and there are no gatherings to be set against them of multitudes coming together to testify their determination to remain incorporated in the present organization of the united nations. These meetings are held at the instigation of a popular leader, who has acquired authority among the people because he has inspired them with a belief in his sincerity and determination of purpose. Mr. Parnell is but slenderly endowed with the gifts of oratory and of passion, which are supposed to sway the masses of mankind. Though capable of self-abandonment, he is intrinsically a reasonable person ; and I do not remember any instance of an address *ad populum* on his part in which he showed any relaxation of self-control. He is, moreover, a Protestant and a land-owner, and his education was completed in an English university. Yet he holds a wide authority over the most Catholic provinces of Ireland. He himself was elected by three constituencies at the recent general election, and his nominees were returned in other places by electors to whom they were totally unknown, who took them on the faith of his recommendation. The secret of this authority is found, as I have said, in a belief on the part of the people that Mr. Parnell is determined to accomplish his purpose ; and they see the proof of this determination in the pertinacity which he has shown in worrying successive Governments, and in disorganizing the course of business in the House of Commons in the pursuit of his ends. It follows that the significance of his authority would not be dissipated even though his supremacy should pass away. It may be that his leadership will be transferred to some Celt, Catholic and passionate ; but we cannot dispute the fact that Mr. Parnell is now the most popular man in Ireland, because he has been in Parliament the most per-

sistent and most effective enemy of the government of Ireland by the Parliament of the United Kingdom. His eminence is a demonstration of a feeling of alienation from Great Britain existing in 1880. Large masses of Irishmen still look upon themselves as strangers, if not as enemies, to the English and Scotch, with whom they are politically united.

The revelation of a spirit of discontent in Ireland, apparently always abiding and always ready to be evoked, is a great discouragement to our statesmen, and especially to those of the Liberal party. It is unfortunately only too easy to understand the passionate hatred of the past. As we read the story of the government of Ireland during successive generations and centuries, we are humiliated by the spectacle of the cruelties and the injustice enforced or supported by our forefathers. But have we not repented of all this? Have we not done our best to make amends for the past? Have we not striven to efface the memory of its wrong-doing? Surely there is a time when Nature may be allowed to cover the battle-fields of history with a new growth of beauty. Mere juxtaposition in living ought to bring some amenity of social feeling. The name of Glencoe has dark associations in the history of Scotland, but Scotchmen and Englishmen have long since agreed to dwell together in unity. Must we look in vain for a similar agreement between the inhabitants of Ireland and the inhabitants of Great Britain? It is more than a century since Roman Catholics acquired the fullest measure of civil rights along with Protestants; it is more than fifty years since they were admitted to equal political privileges. A united system of popular education was established in Ireland, with the concurrence of the leading members of the Catholic hierarchy, a generation before it was attempted in England; and though Roman Catholic bishops have since raised complaints against it, of a kind not unknown in the United States, the system has been so far modified in practice to meet their views that they accept it in fact with very slight reservations. United colleges and a united university for higher education were subsequently set up. It is true that their organization remains a subject of controversy, but the secret of popular discontent can scarcely be found in academical issues, to the re-opening of which the United Parliament has shown no invincible repugnance. The last badge of religious inequality was removed in 1869, when the Protestant Episcopal Church was disestablished and disendowed. Its existence had long been little more than a sentimental grievance, but the removal of an offensive symbol of the past spirit of domination was wise and just, and was accepted in Ireland as a final proof of the desire of Englishmen and Scotchmen to live with Irishmen as their brothers. Nor did the legislative action of the Parliament of 1868 stop with this



fact. Taking note of the fact that Ireland was almost wholly an agricultural country, in which some 600,000 tenants, competing for their holdings, held them without any stipulation restricting the action of their landlords, a law was passed compelling such of the latter as chose capriciously to interfere with and disturb the occupation of their tenants to pay the latter certain sums compensating them for the annoyance and expense of disturbance, according to a rule accepted as liberal and sufficient by the representatives of these tenants. This compensation is independent of and by way of addition to any sum which might be awarded as the value of unexhausted improvements effected by the tenant. No such law exists in any other part of the United Kingdom ; nor, indeed, has any suggestion been made that it should be enacted elsewhere.

Liberal statesmen, who remember how, by slow degrees, all inequalities have been removed in the government of Ireland, and how the united Parliament has been led, chiefly under their advice, to provide such special and exceptional remedies for the improvement of the condition of the people of Ireland as the most careful study of their condition and of the expression of the wishes of their chosen representatives seemed to demand, may be excused if they feel disheartened at the reappearance, after another decade, of fresh evidence of unappeased discontent. They ask themselves whether all their labor has been and must be in vain. Are good will and good work of no value in effecting the reconciliation of the majority of Irishmen with the Parliamentary Government which has its seat at Westminster ? And as these questions lead to further speculations, some of the Liberal statesmen of England are probably embarrassed at the apparent possibility of a conflict between themselves and their principles. The leading spirits of the Conservative party are free from this last difficulty ; they doubtless rejoice as much as their political opponents over what has been done in the past, although at the time they resisted much of it. Whether through some excess of timidity or of caution, some intellectual limitation or some defect of moral energy, they may have been led to oppose successive legislative changes removing inequalities of law and of administration, they can now feel glad that all these inequalities have been removed, since their removal enables them to maintain, without misgiving, the principle of authority. For Conservatives the situation is comparatively simple. If Irishmen, freed from all substantial ground of complaint, are still irreconcilable, they must be overruled, as unreasonable children are overruled. It is a pity, they may say, that any such necessity should exist, but we cannot shrink from it ; and there is at least a hope that if a firm attitude is quietly maintained, the unreasonable children will in time become reasonable men. Liberals must

hesitate from thinking these thoughts, and must long shrink from employing such language. In their minds the principle of recognizing the free vote of a nation as the supreme determinant of its destiny has long been enthroned. In the American struggle between the North and the South it was often said in England that, as the great majority of the people of the South wished to secede from the Union, it was impossible to defend the action of the North in finally opposing their wishes ; and though the sincerity of this observation was frequently questioned, it did express the honest thought of not a few English Liberals. They escaped from its force by remembering that the wishes of the colored inhabitants of the South ought to count for something, and that they had not been consulted. No such ready mode of turning the question is at once apparent in Ireland. An English Liberal is embarrassed by the roughest statement of the Irishman. " I will not discuss with you," an Irishman might say to him, " the question whether the discontent of my countrymen with your Westminster Parliament is reasonable or unreasonable. I am not sure that the most hopeless characteristic of the situation is not this, — that you cannot see anything reasonable in it. But what if their discontent is unreasonable ? It does not the less exist. The vast majority of Irishmen refuse to acquiesce in your system. Try it any way you like. Take a *plébiscite* if you dare. If you decline to risk this test, look at the election of members of Parliament. The Home Rule members are already three fifths of the whole, and if you reduce the suffrage, as you have promised, and simplify our method of registration of voters, to which you are also committed, the minority, who are not Home Rulers, will be of the smallest dimensions. We do not depend upon small boroughs. The counties are ours, and any redistribution of seats would increase the strength of Home Rule in the House of Commons. How can you resist a demand thus presented to you ? We do not wish to interfere with you. We offer you the fullest guarantee against injury. Let Ireland become a province or a state of the United Kingdom, as Ontario is a province of the Dominion, or New York is a State of the Union, and our demands will be satisfied. How long will you refuse us the liberty which your own principles require you to concede ? Do you want fresh evidence that we cannot go on together, that you cannot understand us, and are angry at the failure, and that our exasperation at the tie between us is always on the verge of passing into hate ?" These are thoughts which Irishmen sometimes utter, and over which some Englishmen ruminate with much disquiet and anxiety. As yet no English statesman has yielded to them. A few members of Parliament — representing, with scarcely an exception, constituencies in which the Irish vote is numerous — have feebly consented to vote for a parliamentary inquiry into the



nature of the demand for Home Rule ; but no one of these, except Mr. Cowen, — a chartered libertine, — has expressed himself favorable to Home Rule itself. The language of Liberal leaders and of Liberal followers has, indeed, been unequivocal and peremptory. They have declared that under no circumstances would they consent to make the concession asked for, and this language undoubtedly corresponds to the will of the people of Great Britain. But underneath this firm exterior there must exist searchings of heart among some ; and it cannot be surprising if Irishmen are found to hope that the vehement refusals they now encounter may be nullified hereafter, as such refusals have been nullified in history, — the stolid resistance of the English and the Scots passing suddenly away, as the stubbornness of self-will dissolves in the presence of a force recognized as permanent and insuperable.

It may be said, and with truth, that the difficulty thus openly presented for examination has not been so seriously felt in recent months, because the cry for Home Rule has during that time been lost in the louder cry for the transformation of Irish tenants into proprietors of the acres they hold. This agrarian agitation may have proved even a kind of relief to Liberal statesmen, who find no difficulty in refusing to entertain suggestions of change which they condemn as inherently unjust, while they did feel a difficulty in refusing to consider a demand for self-government, apparently supported by a considerable majority of the inhabitants of Ireland. The murders and outrages which have shocked English feeling have had a yet more potent effect in withdrawing English politicians from the serious consideration of a plausible political demand. Home Rule, however, though comparatively little talked about for the time, must continue to require priority of treatment, as the largest and most comprehensive of Irish political questions. The land agitation, important as it is, must rank second to it. Mr. Parnell has most recently declared that he would not have thrown himself, as he has done, into the agitation of the Land League, if he did not regard it as a means toward the greater end of legislative independence. Home Rule I therefore put foremost ; and, in examining the demand for it, I do not propose to insist upon the mechanical difficulties which would be involved in its concession. These have been much dwelt upon in Parliament and elsewhere, but this mode of treating the subject has never appeared to me satisfactory. These difficulties must belong to the second or third line of defence. It is not until we have admitted the first proposition, that a separate State legislature is in itself desirable in Ireland if it could be set up with comparatively little difficulty, that we should begin to examine the difficulties of setting it up. When we have made the first admission, we may go on to the second inquiry ; but I must add my belief that

when the first admission is made, the subsequent inquiry will be found of little importance. There would indeed be difficulties in the organization of a separate legislature, but they are difficulties which any one with a serious intention could overcome; and we should look back upon them as slight after they had been overcome. It would indeed be impossible to impress a citizen of the United States with a conviction of the insuperable character of such difficulties; and Englishmen who have followed the history of their own colonies in North America and in Australia know that the problem of detaching new colonies from old ones, and of organizing them as separate communities, has been repeatedly solved. Mr. Butt's plan of setting up an Irish House of Lords and an Irish House of Commons would indubitably prove an idle dream, if attempted. The legislature of the island would necessarily be a single Chamber; but the legislature of Ontario shows how a single Chamber can exist in subordination to a Parliament of two Houses. The Imperial Parliament at Westminster could, if so minded, establish a legislature at Dublin, charged with definite functions of legislation in reference to the domestic affairs of Ireland. Why should this not be done, if the great majority of the inhabitants of Ireland seriously desire it?

"If the great majority of the inhabitants of Ireland seriously desire it." Some stress must be laid on the word "seriously." The customary evidence of the will of the inhabitants of Ireland has been found in the election of their parliamentary representatives; and it cannot be denied that, judged by this test, the resolution to demand Home Rule is extremely strong. It ought to be serious also. There can be no more important political function to be discharged by Irishmen than the choice of members to represent them in the Parliament at Westminster; and if it is found that over a large part of Ireland no candidate ventures to present himself to the electors except as a supporter of Home Rule, it might reasonably be concluded that the set of the popular will is earnest and urgent in its favor. But there are things to be said on the other side. We cannot but observe that a very large proportion of those who are elected as Home Rulers are very halting advocates of the policy they have been chosen to support. The pledges of their election addresses sit very lightly upon them after they are chosen. Once in a session they may perhaps attend a special demonstration of the forces of the party, but even this obedience to the call of their leader is not always secured. On a recent occasion, after a special summons had been issued and ample time allowed for members to rally together, Mr. Parnell did not succeed in bringing much more than a third of the nominal Home Rulers to a division. It may be estimated that the men upon whom he can always rely number from fifteen to twenty only, and a certain propor-



tion of these are of the order denominated "carpet-baggers," — persons of Irish origin, but not always of Irish birth, and unknown in Ireland until they appeared before the constituencies they represent, bringing with them his letters of recommendation. As regards other Home-Rule members, it may be remembered that Home Rule is a revival, with some modifications, of Mr. O'Connell's platform of Repeal; and a comparison of the Home Rule movement with that of Repeal will show how much feebler it is than was its predecessor. It is true that the number of Repeal members was less than those now pledged to Home Rule, — Mr. O'Connell's parliamentary following seems never to have been much more than forty; but in those days the voter was not protected by the ballot, and many of the boroughs of the west and south, and some counties, were carried by the will of proprietors having large possessions in and about them, and not by a real popular vote. On the other hand, Mr. O'Connell was elected in Dublin city, — a distinction Mr. Parnell would find it difficult to secure. The Repeal agitation was active for more than ten years, and it was treated with the greatest seriousness in Parliament from the beginning. Mr. O'Connell justly exercised a great sway over his countrymen, since he had forced the concession of Catholic Emancipation; and it was not known how far he might carry them with him in clamoring for Repeal. The leading men of the time set themselves to expose the inexpediency of the demand with a degree of care and elaboration rare in the annals of Parliament, and their speeches remain as remarkable monuments of anxious industry. The agitation was not, however, checked. It went on, and Irish members rallied to it who had at first opposed the cry. Popular support appeared to grow continuously, until the numbers attending O'Connell's demonstrations came to be reckoned by hundreds of thousands. Nor were agrarian outrages wanting, exceeding in number if not in savagery those of to-day.

Yet all this died away. The trouble came to a head in the year of revolutions, and then disappeared. The Repeal party was dissolved. For nearly twenty years Parliament was free from any combination aiming at the legislative independence of Ireland. Some members of the old association were content to remain as simple Liberals. There are, indeed, among the Home-Rule members of to-day one or two who were Repealers under O'Connell, and then became, to all appearance, thoroughly reconciled to the Union; until, when the demand for Home Rule arose, they accepted that platform. This recurrence to their first creed may be said to show a deep-seated conviction of its truth on their part; but it may, with at least equal probability, be regarded as evidence of the levity of platform professions. On the whole, the action of members from Ireland in Parlia-

ment does not, with comparatively few exceptions, attest any serious desire on their part to obtain Home Rule. This declaration I make with reluctance. It may provoke much contradiction and perhaps some demonstration of anger, and it cannot be regarded as tending to reconciliation; at the same time it expresses in words what is pretty widely felt, and what, if true, is of vital importance in forming a judgment of the power of Home Rule. It expresses also what Irishmen themselves are eager to confess of preceding political combinations through many generations.

“Let Erin remember the days of old,  
Ere her faithless sons betrayed her.”

We must go a long way back to discover this happy period, which was perhaps coeval with the Golden Age. It is certain that nothing can be too passionate or too vindictive to express the feelings of an Irish patriot of to-day towards the Irishmen who have in each successive generation betrayed Ireland, down to the day before yesterday.

But does this suspicion of half-heartedness in the Irish parliamentary party meet the difficulty? Even if there is reason to believe that many Home-Rule members care little for Home Rule, does not their profession of faith prove that the mass of the people seriously desire it? What must be said in answer to this question will throw some light on the position of members also. It is conceded that in the past Ireland has been regarded as a conquered country, and the people of Ireland have been ruled according to the imperious temper of the people of Great Britain. It must be added that the representatives of Great Britain still outnumber the representatives of Ireland in the United Parliament, though not in undue proportion to the respective population of the two islands. On every purely Irish question, Irish members may find themselves confronted with four or five times as many English and Scotch members, unless, indeed, they are able to detach some of these through the influence of the Irish vote in their constituencies. When such a division occurs, it is said, with much plausibility, that it is impossible to obtain justice for Ireland from the United Parliament, though what is represented as justice may in truth be an exceptional and mischievous benevolence. Still, the majority possessing power are themselves judges how it shall be exercised; and if they have sometimes resisted unwise petitions, they have at other times been slow to do justice to the minority. It is thus most difficult to escape from the attitude of rulers and ruled, and it is at least equally difficult to purge our minds of the sentiments of power and of pupilage. Acts of simple justice, even down to so recent an act as the disendowment of the Protestant Church, are described as “concessions.” One of the worst consequences of these relations



is the prevalence among the people of Ireland and their representatives of a feeling of reckless irresponsibility. Home Rule never comes before my mind with such plausibility as when I think that its establishment might perhaps make Irish politicians grave, sober, and cautious. These qualities are conspicuously absent now. Members think they can subscribe to any programme, as Great Britain will take care that no "wild-cat" scheme is fulfilled,—a position which may be illustrated by what is sometimes said, with what truth a foreigner may not judge, of the apparent freaks of the American House of Representatives. This same feeling of irresponsibility is characteristic of the political conduct of the masses of the Irish people. They are ready to catch up and to be caught with anything; and when we ask in what they are serious, in what they are sincere, in what they are steadfast, I cannot find any trustworthy evidence of these qualities in relation to any project of political reform. There is one subject—it may be said there are two—on which they have an abiding purpose; but Home Rule is not, in my judgment, such a subject; and the feeling it has evoked has its strength in a persuasion that through it a settlement of the paramount subject of the tenure of land can be most easily and most assuredly attained. Some think it can be procured in no other way, and are Home Rulers because they want a new land-law,—which is just the reverse of Mr. Parnell's position, who is a land-leaguer because he wants Home Rule. Could that desired settlement of the land-question be accomplished without Home Rule, Home Rule would be abandoned as Repeal was abandoned. To the question, "Why should not Home Rule be established, if the great majority of the inhabitants of Ireland seriously desire it?" I make this answer, in the first place,—that no such *serious* desire is proved to exist. The cry for Home Rule was first promoted with the assistance, if not at the instigation, of some members of the Protestant Episcopal Church, angry at the disestablishment of that institution,—a miserable illustration of the haste and heedlessness characterizing the conduct even of educated Irishmen. The random project was caught up with avidity, after having been dressed in a plausible shape by Mr. Butt; but neither in its origin nor in its history, nor in the support it now receives, does it command respect. A great constitutional change cannot be made when the sound of those who ask for it is so uncertain.

What has been already written suggests another ground for refusing to concur in the establishment of a local legislature in Ireland,—the consideration of which cannot be evaded, even though it may seem to disturb many of the commonplaces of Liberalism. Would the cries for Home Rule be irresistible if it were proved that the demand for it was strong, steady, and serious? Should we in that case neg-

lect to inquire into the political qualifications of the constituents of the new legislature, and into the probable political character of the assembly they would choose? These Liberal politicians, upon whom the word "enfranchisement" works as an incantation, and who see the redemption of all things in the grant of a paper ballot, would probably feel some awkwardness in attempting to pursue the inquiries thus suggested. We do not, indeed, indiscriminately enfranchise Hindus in the East or Kaffirs in South Africa; but the apparent movement of Liberal opinion at home tends to the conclusion that where the skin is white the existence of all other political qualifications may be assumed. We should be open to a charge of insolent departure from our principles if we should hold that every householder living in Great Britain is competent to take his share in the government of all the world, but that householders living in Ireland cannot be trusted to manage the affairs of their own island. But at the risk of all accusations I must avow the conviction, that, whether we have regard to the qualifications of electors or of those who would probably be elected, the experiment of setting up a local legislature in Ireland cannot be entertained. I admit that this is an opinion which ought not to be embraced except after a most careful examination of the grounds on which it is founded. I admit, also, that it would not be fair to adduce particulars of the history of the Irish Parliament of the last century to prove what would be the character of an Irish Parliament to-day. I will go further, and say that we cannot even conclude that the action of Irish representatives in the present House of Commons is the same as the action of an Irish House of Commons would be. As I have said, responsibility would induce caution; a sense that they must take care of themselves would make men strenuous who are now careless. If, as sometimes happens, a flighty proposition is submitted to the House of Commons by an Irish member, his more sober colleagues do not speak against it and do not vote against it: they leave the burden of argument to English and Scotch members, and when the division bell is rung they walk out of the House before the division is taken, if they are not light-hearted enough to vote with their friend for a proposition they condemn in the faith that they will certainly be out-voted. I am satisfied that the establishment of an Irish representative assembly at Dublin would develop many virtues now existing in a merely rudimentary condition and scarcely discernible. A sense of responsibility would be awakened. Men would feel that they were put on their mettle; they would know that they must fight their own battles, with no one to help them. The conflicts would be heated; the disorders would be great; irrepressible persons would abound in the legislature; the satirist would find abundant occupation for his scorn; the advocate of despotism would be able to point with effect to some-



thing like a caricature of representative government: but in the end some rule and method would be established, and the business of the assembly would be transacted in spite of frequently recurring outbreaks of liveliness.

But all evidence goes to prove that the principles of social and economic legislation pursued in this body would be, and would too long remain, deplorable. The most vicious projects of national improvement would command assent. We could not feel certain that any remedy for popular distress would be too unwise to command a majority of voices in its favor. The social condition of Ireland is not sufficiently healthy to bear the strain of these experiments. When we think of the circumstances of its population, and of the probable results of the adoption of the proposals which find favor even among soberer Irishmen for the improvement of these circumstances, we must needs recoil from the prospect opened up before us. It is unnecessary to lay stress upon the consequences of the assured predominance of the policy of the Roman Catholic Church. Although I must frankly confess that I think this would have a deleterious influence upon the course and development of national education, yet we could watch this result with comparative unconcern. The evil would not deepen past redemption, and it would, indeed, provoke its own remedy. At present the Catholics of Ireland appear to be the only Catholics of Europe, except perhaps those of Poland, who accept without reserve the authority of their hierarchy over all questions of education. In every other country there is a fierce and abiding struggle between the laity and the clergy for the control of the schools and colleges where the youth of the nation receive their education. A casual observer of Ireland would say that there is no trace of this conflict there. This would be a grave error. The indisputable evidence of facts shows that large numbers of Catholic parents are more than willing to send their children to be trained in the healthy atmosphere of mixed schools and colleges; but they throw upon their English and Scotch sympathizers the burden of defending the institutions of which they gladly avail themselves. Here again we have another illustration of the undoubted mischief of the abiding reciprocal feelings of rulers and ruled, of protectors and of protected. Left to themselves, liberal Catholics would assert the claims of the laity against the pretensions of the priesthood, and before the mischief had become irremediable we should see the familiar controversies of France and of Belgium in full vitality in the local legislature of Ireland.

It is, however, in the sphere of social and economic law that the gravest and most enduring mischief would have to be apprehended. I am not sure that it would be an exaggeration to say that in this respect Ireland would be found a century behind the larger island. The popular

wisdom of its inhabitants is very much the same as that of England in the earlier years of George the Third, before Adam Smith had influenced the mind of the nation or Malthus had written. It will be said that this is a harsh judgment. Some may even demur to any judgment being expressed in a comparison of national characteristics. A phrase of Mr. Burke's, that a bill of indictment cannot be drawn against a nation, is often quoted as debarring us from forming any estimate of the predominant qualities of a political community. Yet if we carry our minds back into the past, if we escape from the controversies of to-day into the calmer region of historic observation, we shall scarcely refuse to make the admission that the stages of education reached by the contemporary inhabitants of different countries have often been found to vary greatly from one another. It is at least possible that a similar fact may exist now. It would be impertinent to suggest that there are not individual Irishmen — nay, that there are not classes of Irishmen — who have attained an equal level of political development with Englishmen similarly situated ; but we have to deal with the predominant opinion of the people, or at least of the electorate, over whom the authority of their better educated neighbors may, from a sad combination of causes, be extremely slight. It may even be that those whose intellectual gifts and moral qualities should make them the natural leaders of the people rest under a weight of suspicion hard to be removed. Certain it is that I am drawn irresistibly to the conclusion that we cannot come to the consideration of the Irish problem with perfectly candid minds, without being forced to confess that the political level of the Irish electorate is distinctly below that which has been reached by the electorate of Great Britain. I do not state this by way of blame thrown upon the inhabitants of Ireland. The blame may rest with us ; partly for our own deeds or shortcomings, and partly as inheritors of the consequences of the faults of our forefathers. I state what I believe to be the fact, and one of infinite importance in the consideration of the question as to what we should do. The Irish are worse clothed, worse housed, and worse fed than their fellow-citizens in England and Scotland : is there any difficulty in conceiving that they may be also worse educated ? Assuming that they are worse educated, there are two courses open to our adoption : the first is that of leaving them to work out their own improvement, through the correction of the dismal experience that would come of the liberty to follow their own unwise devices ; the other is to maintain the present relations between the two islands, in the hope that the better teaching may gradually be disseminated through both. I elect the latter, and should be prepared to advocate it even at the cost of a certain periodicity of friction, which promises, however, to diminish in roughness



in successive generations. This may be tyrannous. Some Liberals may hesitate to approve it; but unless they are prepared to recognize the attitude thus taken as morally justifiable, they will find a growing difficulty in resisting the demand for Home Rule. They assume this attitude towards other nations dependent upon us, which we have not attempted to incorporate with ourselves; and though the degrees of difference may vary greatly in these cases, the principle of maintaining an unwelcome authority once established in the interests of those who do not see the advantages of being brought under its influence, runs through all. The defensibility of resistance to action demanded by large local majorities will scarcely be denied on the American side of the Atlantic. I have already referred to the resistance to secession; but another illustration may be suggested, perhaps more applicable to the present controversy. The government of the city of New York is controlled from Albany. It is under the authority of the State Legislature that the successive charters of the Empire City are given, and the same authority has been not unfrequently exercised to take away important branches of local government from the locally elected municipality, and to confide them to the care of special Commissions appointed for their administration. The free action of the inhabitants of the city is thus defeated by the townsfolk and farmers of the western parts of the State. Is it inconceivable that a cry should arise for the complete emancipation of New York City in the management of its own domestic concerns? Home Rule for Manhattan might become a plank in a party platform. The State would remain one and indivisible as a member of the Federal Union; representatives of the city would still form part of the Albany Legislature, would still have their voice and influence in the election of a United States senator: but the city for itself, New Yorkers for New York, like Ireland for the Irish, would be an intelligible and forcible programme. I think, if it should ever be seriously formulated, there would arise energetic remonstrances from a large minority of the inhabitants of the city against being abandoned to the ignorance, the profligacy, and the corruption of an unchecked local power; and no appeals to political theories of the rights of majorities that may be found in a well-defined area to have their own way would have much effect with the constituents or members of the Albany Legislature.

There are obvious differences between the case thus suggested and that with which we have to deal, but the points of resemblance are sufficiently numerous and clear to make the illustration useful. Thus it will be claimed, perhaps, that the people of Ireland are of a different nationality from the people of Great Britain; but this is not true of all the island. The inhabitants of a large portion of it,

and that the better cultivated and richer portion, have no national aspirations distinct from those of the people of Britain. They may call themselves Irishmen, as the inhabitants of Scotland call themselves Scotchmen ; but they are built into one body and animated by one life with their brethren in the greater island. I must add that I have no desire to impute to a hypothetical separate Irish legislature the spirit of political profligacy and corruption. This was, indeed, the besetting sin of the Irish legislature which preceded the Union ; but the legislature of Great Britain was at that period steeped in the same vice. A new House of Commons would be elected in a different fashion and under different influences, and we might fairly hope that it would be purged of the worst faults of its predecessor of the last century ; but I must repeat my unpleasant conviction that it would be dominated by ignorance, and would be prone to foolish and mischievous legislation. If I am right in thinking that the slow rate of improvement in Ireland is due to the almost ineradicable tenacity of vain and pernicious ideas in the West-Irish mind, how can we hope for anything but an immediate movement toward a worse condition from the process of giving predominant power to these ideas ? Bitter experience might in time prove the most potent of educators, but the experiment would be sharp and cruel. When I come to deal specifically with the land question, I may examine what degree of probability there would be in looking for the correcting influence of experience. At this point, it may be sufficient if I indicate the mischievous lines along which the action of a domestic legislature would be directed.

Among the vain notions which dwell in the Irish mind, and lend strength to the demand for Home Rule, one of the most widely accepted is that the absence of manufactures from the greater part of Ireland and the backwardness of its commerce are due to the careless inattention of the United Parliament to these means of wealth. It is unquestionably true that in the last century, before the Union, and when hostile tariffs kept the two islands apart, English merchants and manufacturers were jealous of the development of Irish industries, and exercised a most pernicious influence in repressing them. This is a melancholy history, much to be repented of. But for eighty years Ireland and Great Britain have been absolutely as one country in respect of trade legislation, and during these eighty years the free play of economic forces has to a great degree transformed the distribution of industries throughout the United Kingdom. Manufactures have sprung up or have died away according as economic causes were favorable or unfavorable to their existence. The purely manual industries which were scattered over so large a part of England have disappeared. Machine labor has enormously multiplied, and crowded populations are found in those parts of the country



where accessible stores of iron and coal favor the working of machines. It is true that there are few manufactures in Ireland ; but there are no manufactures in England south of the Thames, or in the agricultural eastern counties. If popular sentiment should succeed in bringing an Irish Parliament into existence, this Parliament would be immediately required to justify its existence by undertaking the development of Irish industries. A generous system of bounties would speedily be established ; subsidies would be granted to Irish lines of ocean steamers ; it is possible that an attempt would be made to foster the manufacture of beet-root sugar, after the fashion of continental nations ; national works would be promoted, not with regard to their economic results, but as part of the programme of national grandeur, incidentally giving employment to the poor. Bounties, subsidies, and grants can only be made with money, and this would be freely borrowed. Then but a very short time would elapse before a cry would be raised for a protective tariff in the interest of Irish industry. I am sorry to say that there is not one of these schemes which could not be supported by reference to the example of other nations ; but the follies of which English colonies and the United States may be guilty, without conscious suffering, would be followed by a swift punishment of misery in a country like Ireland, with no reserve of fertile lands to which labor can be directed. For a few years the process of borrowing money and spending it freely would be attended with a delusive appearance of prosperity ; but before long Ireland would be found in a worse condition than ever, overcrowded with a population holding this article of faith above all, — that, however numerous they might be, no social misery could befall them if misgovernment did not produce it. This is the situation of a people ripe to receive and act upon the wildest socialist dreams ; and the agitation which is now confined to schemes of agrarian reform would then be ready to be directed against all social relations. I confess that I recoil from this prospect. Even though the demand for Home Rule were much more serious than I estimate it, I should fixedly resist a change threatening the gravest mischief to the immediate future of Ireland.

LEONARD COURTNEY.

## BUSH LIFE.

## II.

**B**UT for its one great drawback — the scarcity of water — Australia would be, I believe, the easiest country in the world to explore and settle; probably, even with this hindrance, it is so. At any rate, nowhere else has so vast an area been so soon occupied by white men; and in no other land with which I am acquainted could two utterly inexperienced new-comers have travelled alone over so great a distance, in such a thinly peopled country, so safely and pleasantly as we did. At the same time there are probably not many lands where one would encounter, from day to day and from week to week, such unvarying monotony of landscape and climate. From the day we mounted our horses on the Peak Downs till the day we sold them, nearly three months later, we travelled over seven hundred and fifty miles; yet a single description will almost serve for the physical features of all we traversed. It was flat and eminently uninteresting, sometimes opening out into rolling downs, studded with great blocks of scrub and waving with long, yellowish-brown grass, or burned bare almost as a parade-ground; sometimes closed in with scrub for long weary miles and days of travel, but more generally covered with open bush, *i. e.*, good-sized trees, generally of the Eucalyptus family, growing some yards apart, but close enough to restrict the outlook very monotonously. The trees, too, though not without a certain beauty, were hard in color, unduly supplied with dead branches, and from the vertical position of their leaves almost shadeless; moreover, the number of bare and bleaching trunks everywhere cumbering the ground added greatly to the dreariness of a never very inspiring scene: yet we had reason to be grateful for these windfalls, as, whenever we made camp, we could find within easy reach a plentiful and much-needed supply of splendid fire-wood. Occasionally, indeed, we crossed so-called ranges; but the ascent and descent were so gradual that had not our attention been called to them we should hardly have known that we were traversing elevated ground. Now and again we obtained something like a view, but of a very monotonous character, varied neither by water, hills, nor mountains, and wherein the prevailing tints, especially those due to distance, were characteristically Australian in their shades of brown and light, hard blue, attributable in part to the clearness of the atmosphere, but mainly to the ubiquitous gum-trees. Connected with this general tendency to certain tints in the landscapes there was also a



tendency to certain effects in the sky at sunrise and sunset on any fine day, when, just before the rising or after the setting of the sun, the heavens seemed invariably to assume certain hues which I can only describe as exactly resembling those of the tinted papers sold for amateur landscape-drawing, on which the broad lights are produced by a penknife or scratcher. Both sunrises and sunsets were occasionally very beautiful, but not so as a rule, by reason of the excessive clearness of the atmosphere and cloudlessness of the skies; nor have I ever seen in Australia anything to compare with the sunsets of the United States, especially on the vast Western prairies, which Lord Dunraven has justly characterized as "barbaric and even savage in their brilliancy of tone, in their profusion of color, in their great streaks of red and broad flashes." In short, Australia, in its broad features, is essentially a land of sameness and monotony, although of course there are many exceptions to such a generalization; while the zoölogy and botany, especially if studied in detail, are varied enough to satisfy the most enthusiastic student of natural history. The single description which suffices for all the country we traversed would also serve for nearly the whole continent, at least if we add to the previous remarks a note on the great sandy wastes and deserts said to occupy so much of the west coast and the interior. There is some variety in the northern or tropical portion here and there along the coasts, also especially in the southeastern corner, where vast forests are flourishing; but all these together are as nothing to the endless grassy plains, downs, and deserts which constitute respectively the joy and the despair of the squatter, — the pastoral and agricultural wealth and poverty of the country.

The climate also, so far as we experienced it, may be dismissed briefly. It rained almost incessantly for the first six weeks; then it cleared, and with the exception of one wet day we scarcely had another drop of rain, but enjoyed the most delicious weather imaginable, not surpassed by any even in Japan and New Zealand, — clear, bright, warm days in which only to live is a pleasure and excitement, followed by cool, still, cloudless nights, such as make the tired traveller, snugly rolled in his blankets on the ground, with feet to the fire, and his whole frame tingling with pleasant warmth and a delicious sense of rest and peace, vow that he will never again repose in the bed of civilization. So at least I felt beneath the open sky in Queensland. Alas for the vanity of human vows! In less than two years I was sleeping on the prairies of the far West, in the United States, under conditions very similar in all respects but one, yet that one made all the difference, — the ever-present possibility of being suddenly awakened by an Indian bullet or an Indian yell made the security of a civilized bedroom hover in my half-waking thoughts as the one undeniable

desideratum, without which life was hardly worth having. This comparative immunity from open or treacherous attack by natives, noticeable over a large part of Australia, is due, no doubt, partly to the miserably degraded condition of the blacks, and much more to the scantiness of their numbers. For they gave considerable trouble in the early days of settlement on the southern and eastern coasts, and still do so on the northern and western, where the white man is not so well established. Yet they have never been formidable opponents, and any number of them seem to be easily scattered, or "pacified," as the phrase runs, by a few native troopers armed with revolvers and led by a white officer. They are, however, like all savages, treacherous and thievish, if judged by a civilized standard of morality, and they therefore constantly incur the displeasure of the dominant race, who in past days (and I would it were only in past days) have retaliated swiftly and relentlessly, and have so reduced the numbers of their wretched foes that now-a-days order is easily kept over vast territories by a few white and black mounted troopers ; and white men, travelling alone and unarmed, as they habitually do, throughout the enormous and scantily settled lands of South Australia, New South Wales, and South Queensland, are rarely molested, and in fact run more risk from spoilers of their own race than from the blacks. Even in Northern Queensland, whence come most of the modern stories of trouble, half-a-dozen whites seem to be able to go anywhere. This comparative weakness and insignificance of the native population has greatly facilitated settlement ; for had the native tribes opposed the advance of the white men, as in most other countries, the vast grazing lands of the back country must have remained untenanted for years to come, and could only have been occupied by settlers in much closer communication with one another than at present, and at a great expense to the colonies in military or police establishments. We heard some bad stories about the past treatment of the blacks by unscrupulous settlers, but we refrained from the unpleasant and profitless task of investigating the truth of these tales. Now-a-days the colonial authorities endeavor honestly to protect the aborigines, and to see that they receive fair treatment from the whites.

The ordinary method of travel in the bush is either in the saddle or by buggy, — more generally the former. The traveller either moves from one station to another, travelling from twenty-five to fifty or sixty miles per day, or he camps for the night on the track. There are of course no roads in the civilized sense of the word, though sometimes a clearing may have been cut through a scrub ; but for the most part the track is merely marked by wagon-wheels or hoofs, pretty broadly near the coast, but further inland so slightly as to be often extremely difficult to follow. On some of our courses between



stations the only sign of a trail would be that made by last year's wool-wagons going down, or a wagon with stores going up; and the ruts, especially if the wagon had passed in dry weather, were so faint that we had the greatest trouble at times to keep our true direction. Indeed, this danger of being lost is by far the most serious to a new-comer; for once really off the track, and beset by the demoralizing sense of bewilderment, like that of a blindfolded man after his first dozen steps, the traveller is in considerable danger, since he may wander almost indefinitely over those vast solitudes without happening upon the small "stations" which may be occupied here and there at thirty or forty miles apart, and without striking water. In New Zealand the main risk to the traveller appears to lie in the dangerous rivers to be forded; in America the Indian is the most dangerous foe of backwoodsmen; in Australia the risk of being lost, and so failing to find water or food, has always been prominent among the disagreeable possibilities for the bush traveller. As we advanced inland, and the wheel-ruts became scarcer and fainter, we became more and more careful, never making the smallest detours, and always obtaining from the last source of information the fullest possible direction concerning the next water-hole. This care to stick always to a wheel-rut, which must come from and go to somewhere, often put us in ludicrous positions. Sometimes one of the pack-horses would break away and gallop into the scrub, where only one of us could follow, as the other had to remain on the track to mark it and halloo to the pursuer. So when we had to look for our horses in the morning, in a timbered country, a walk of a hundred yards, with half-a-dozen twists among the trees, would leave either of us in the most hopeless confusion. So long as the sun was shining, it was not difficult to roam short distances and return with moderate precision; but when it was invisible, the danger of losing oneself utterly, even within one hundred yards of where one had slept, was at once comical and serious. A practised bushman or backwoodsman travels over strange ground almost by intuition, — really, I suppose, by the unconscious exercise of the closest observation, the fruit of long habit, developed and aided doubtless among the natives by hereditary transmission. We had not the bump of locality, and would often suddenly find that the track had disappeared; then we would mark the point, and, like the telegraph steamer grappling for cables at the bottom of the ocean, we would double back and make cross-runs at right angles to the supposed direction in order again to pick up our communication with mankind. Occasionally very confusing instructions would be given, — as for example to travel, say, southwest for five or six miles till we should find ourselves on the range (said range being almost unnoticeable on account of the gradual nature of the ascent), cross

the range, and at the foot of it turn nearly south (direction possibly indicated by two blazed trees), follow line by compass till we should reach the river, travel up the river till we should see the station, say thirty miles in all. Now, this would be all very well till the river was reached ; but then we were just as likely to strike the river *above* the station as below it, and in this case to travel *up* the river would be to lose a day's journey. In fact, searching for any particular spot in the bush without a guiding track is like looking for a needle in a hay-mow, and the compass alone is a poor assistant. I remember once in Montana Territory entering a thick forest, partly in hope of a shot at a white-tailed deer, partly to test my power of keeping a course. I tried to walk, compass in hand (as there was no sun), north-east for about three miles (by time); then I turned and walked one hundred yards at right angles, and endeavored to return due south-west to the point whence I had entered. The result was that I came out of the forest fully a mile from where I had gone in ; and as this brought me out into a different valley, with unfamiliar features, I very nearly lost myself, for I was utterly muddled, and never imagined it possible that I had gone wrong a whole mile transversely in returning only three miles longitudinally, and with the assistance of a compass. A regular backwoodsman, who rarely or never uses the compass, would easily have made a long detour, and come back to camp with almost unerring certainty. Yet even practised hands occasionally lose themselves, especially if mist or snow-storm obscure the landmarks : their position in such a case becomes very like that of a townsman who has not yet learned to apply rightly such quickness of natural observation as he may possess. But in truth the difficulty of keeping a direction, or even following a trail, is inconceivable by any one who has not had actual experience in the attempt ; yet the dangers and anxieties, even the occasional tedium of back-country travel, are pleasant in retrospection, and even feed the desire, after an interval, to encounter them again.

Among the chief worries of our daily life in the bush, those caused by the horses were pre-eminent. We started with a saddle-horse apiece, and a pack-horse between us to carry our slender outfit, and later we added another pack-horse. These animals must be either driven or led. So long as there are several of them, or the track is broad and well-marked, driving is the easiest method, as they soon learn to hold together and keep on the road ; but when there are not more than one or two, and a hardly visible trail, the "leading" method becomes the easier. Your bush-horse has a vast field for the display of little peculiarities of temper, of which, being but a roughly broken and unscrupulous animal, he gladly avails himself. In the first place, if you have had to turn him out in the bush at night after



the day's journey, you will usually find in the morning that he has worked round to a direction totally opposite from that in which he was last seen. In the next place, if you have carefully hung a bell round his neck to guide you to him, he will, with an unusual and ill-timed patience, stand absolutely still, so that no tinkle may reach you, — that is, no tinkle of the real bell ; for in Australia, where this system of belling horses is generally adopted, there is curiously enough a species of bird which has a note almost exactly resembling the distant tinkling of a bell, usually uttered at sunrise and sunset and peculiarly confusing to the anxious searcher after horses. At last, however, the horse may be supposed to be found, — though this is supposing a great deal, as nothing is more likely, if you *do* meet a man in the morning in the bush, than to meet him on foot, with a bridle over his arm, and to be greeted with the question, "Seen any horses this way?" We will, however, as I say, suppose the beast to be found, and as you have "hobbled him" overnight, that is, strapped his fore-legs loosely together, you will catch him without much trouble and bring him back to camp ; you then saddle or pack him, possibly getting a bite or two, or a kick. As soon as the job is completed, and all is ready for a start, an average Australian horse, if he be moderately fresh, will evince his sense of the indignity under which he labors in having to carry you or your burden by a series of "bucks," accompanied by side jumps, the latter apparently designed to demoralize his burden, and the former wickedly intended to dislodge it. If you yourself be the burden, unless well-practised in this particular form of equine remonstrance, you will speedily find yourself sitting on the ground, carefully testing limbs, ribs, shoulders, and neck, to ascertain whether their continuity remains as it was before you mounted ; if the remonstrance has been urged against the packs, you will probably have to follow a runaway horse under similar difficulties to those which used to beset a British cruiser following a slaver, when the latter took to dropping her negroes overboard one by one, — *i. e.*, you will have to pick up your pack piece by piece as you proceed. At last, by the exercise of courage, perseverance, patience, self-restraint, and other cardinal virtues, — all insufficient unless aided by a combination of lucky circumstances, — all will be ready and a fair start effected. At first you cautiously lead your pack-animal and thereby place before him another fine field for the display of his abilities in trying your temper ; he hangs back, plants his fore-legs, and declines to move a step, while your own brute, with unkind docility, promptly moves forward : between the two you are nearly torn from your saddle. Anathematizing the beast, you deal him a sharp backward cut, whereupon he rushes forward, bruises your legs severely as he passes with the pack, and nearly draws you over the cantle before you can check him ; presently, find-

ing the labor of dragging forward too great, he settles back, and runs for a time by your side, taking care, however, to lurch heavily against your leg at frequent intervals. Irritated by this, you endeavor to keep him a little to the rear, when he at once drops behind, and, with lagging step and outstretched neck, drags sullenly on your arm, till you begin to appreciate some of the torments which must have been caused by the rack. If now, to relieve yourself and lured by his apparently stolid demeanor, you try driving, you speedily find how much you have yet to learn of his disposition: cast loose and stimulated by the whip, he at once starts off, with his head in the air and his tail cocked, at a full trot, shaking your packs terribly and testing the straps and girths to the utmost; this he continues steadily, quickening as he hears you following, till, just when you have made up your mind either to make a detour and head him off, or to follow all the livelong day at the same pace, he stops suddenly, turns a little aside, and browses as though packs, pursuers, whips, and duty never existed. You urge him forward: he throws up his head, possibly his heels, and starts at right angles. You circle out and fetch him back: he crosses the track and makes off on the other side; and so on, till in rage and despair you once more try leading, when suddenly a new idea strikes him,—he falls quietly into his place, and with lowered head and half-shut eyes plods steadily forward, and slowly but surely lulls you into a delicious but false security. The country for miles around is thickly set with trees, whose lower branches will just pass a horse, but will detain his rider; suddenly, without a single preliminary evidence of his purpose, your villanous steed turns aside and dashes at a hard trot into this scrub, carefully electing to pass between trees whose trunks, he estimates, are too close together for his pack or whose branches are too low for his pursuer. A recapture once more effected, you settle down to the misery of leading for the rest of the day. I must add, however, in justice to the average Australian horse, that, notwithstanding his wickedness, he is in the main well-intentioned and has an excellent constitution, which enables him to perform an immense amount of hard work on a very indifferent supply of food. As we advanced into the interior, the grass, owing to the drought, became scantier and poorer, and not unfrequently the ground around our camping-places was more like a well-used parade-ground in its bareness than anything else. On one occasion, in particular, I remember being unable to collect two handfuls of grass in a ten minutes' walk around our camp, so utterly bare was the soil; and yet, as this was the only water-hole within many miles, we had to make our night camp there. Yet although our horses rapidly fell away in flesh, they managed to pick up a living, and carried us and our belongings well and faithfully to the last, when we were able to sell



them for about two thirds of their original cost. Most of the trouble they cause arises from what is now, I believe, the inherited as much as acquired habit of buck-jumping when first mounted, and from nervousness due to the comparatively small amount of handling. As might be expected, the farther we travelled inland the rougher the life became, and, in a general way, the farther apart were the dwelling-places or head-stations ; the unused — because in that stage of settlement nearly useless — land became more frequent, and consequently the squatters, residing each on his own run, were situated farther and farther from one another. So far as we pushed out — some six hundred miles from the coast, and for at least two hundred miles farther, as we heard — the bulk of the country was already, though often only recently, appropriated ; but we met men occasionally, on the march, either going out to prospect for fresh runs, or returning to have their claims allowed and registered.

This gradual process of leaving or entering again on civilization is always amusing and often instructive. The run on which we first found ourselves after our coach journey, I have already endeavored to describe, — a good house, in every way suitable for a lady, with many luxuries, well-fenced paddocks, occasional society, including apparently no. unfrequent visits from travelling Englishmen, always hospitably welcomed. But as we proceeded the records of such visits as ours became fewer and fewer, till they ceased altogether, and the only visitors were neighboring run-holders or men passing occasionally to take up fresh country ; the houses dwindled in size and style till they sank to the rank of mere cabins, containing but one or two rooms, roughly constructed of logs and roofed with bark ; the luxuries of life disappeared entirely, and even the comforts were reduced to a minimum ; petticoats vanished absolutely from the scene, and the fair sex was represented only by miserable, ill-clad, starved-looking, spindle-shanked gins, — the sorry apologies for womanhood that do duty among the aborigines of Australia.

Following instructions, we continued for some time to make our day's journey from one station to another. Riding up to the log house or cabin in the afternoon, we introduced ourselves much after the following formula : " Our name is so-and-so, we come from such-and-such a place. Can we camp here to-night ? " The welcome accorded, if undemonstrative, was always (with a single exception) kindly and genuine ; we were told to make ourselves at home, and stay as long as we liked. The horse-paddock, or failing that the place where the best grass was to be found was indicated, and we were left to unsaddle and loaf till meal-time ; then we shared our host's dinner or tea, usually mutton-chops, damper or bread and strong tea, and when the time arrived for turning in were often left

to choose our own couch on bench or floor, — a rough-and-ready style of hospitality eminently characteristic of and suitable to the requirements of bush life, wherein the stranger is supposed to be able to take care of himself and is left to do so ; at the same time he is made thoroughly welcome to board and lodging, without pressing, but without stint or apology. And very good fellows most of these voluntary exiles from civilization were, — strong and healthy, hard-working and indefatigable ; somewhat rough, but kind and hearty ; for the most part, seemingly, not discontented with their present occupation, taking all things as they came, hard work and hard fare, good times and bad, with tolerable philosophy if not exactly with indifference. To me it always seemed that the monotony and sameness of the daily life was its chief drawback. A rhyme which was given to us as the “Squatters’ Evening Hymn” very forcibly expresses this sense of tedium and loneliness, which must occasionally oppress even the most energetic and cheerful of men when set down to lead a life of hard, unvarying physical toil, seldom relieved by social intercourse :—

“And now another day is done ;  
And when we see the morning’s sun  
We ’ll know another day’s begun, —  
Ah, how I wish that too were done !”

In conclusion, I have but a very few words to add on Australia generally. Owing to the general similarity of physical features already referred to, and consequently to the similar ways of life accepted by the colonists, one may generalize more correctly on Australia as a whole and on Australians in the mass than concerning any other country or people I have seen. One of the principal subjects of interest to a traveller in any land, after he has roughly mastered its past history and made himself acquainted with its present state, is to speculate on its future ; and such speculations are never more interesting than when indulged in with regard to vast and comparatively recently colonized countries, such as America and Australia. If the United States, with their present population of fifty millions, and their almost incalculable area of suitable but as yet unoccupied lands, continue to hold together as one nation, what a future is in store for them, what a place in the world’s history ! The soberest and most practical mind must be fairly dazzled by the possibilities, and feel itself unable to grasp a future of such brilliancy and magnitude. Now Australia, although not much behind the United States in actual area, and possibly even in mineral wealth, is undoubtedly much inferior in soil and, for agricultural purposes, in climate ; nevertheless there must lie before it, as the most casual observer cannot fail to note, a vast and prosperous future, which, indeed, no man may pretend to predict with any approach to accuracy, but which is none



the less certain, and which I most emphatically believe cannot fail to make it a united empire, ruled and peopled by white men, second in wealth, population, and importance only to the United States of America. Notwithstanding the disadvantages under which it labors, — the meanness and paucity of its rivers, the vast areas of sterile or desert lands, the constant and injurious alternations of drought and flood, — it possesses peculiar features and advantages, which go far to compensate for the drawbacks. These are the absence of rival nations in its immediate vicinity, and the consequent comparative immunity from risks of war or warlike complication; the almost universally easy nature of the country for constructing means of communication; the insignificance of the troubles to be apprehended from hostile natives, and the similarity of its physical features, and consequently of the occupations and feelings, which must always tend to unite the bulk of its population in a common bond of interest, especially when we remember that much of what was once considered useless land, or fit only for pastoral purposes, is slowly but surely, under the quickening influence of spreading population and intelligent labor, being brought into cultivation. If we consider the comparatively short time which has elapsed — less than fifty years — since really natural colonization began, and the still shorter period during which the progress of that colonization has been fostered and quickened by the modern system of free constitutional government, the progress made is truly marvellous. Melbourne, the capital of Victoria, is one year younger than San Francisco, and in all respects save hotel accommodation is well able to hold its own in comparison with the California city; Sydney, the capital of New South Wales, is little if at all inferior to Melbourne in wealth and population; while Adelaide and Brisbane, the respective capitals of South Australia and Queensland, are rapidly growing in size and importance. Many other provincial towns are already of considerable magnitude, and innumerable smaller ones are growing in extent, or yearly springing into existence, with a mushroom growth in rapidity, but with more than forest stability, scarcely surpassed by any similar phenomena in the United States. That a united Australian empire can ever equal in its resources or strength a united American empire is not, owing to drawbacks of geographical features, possible; but I hold that the probabilities of harmony and unity in the future among the Australian colonies are greater than the same probabilities among the United States; and in any case, unless the future greatly belies the present, Australia, as I have said, must some day assume a place among the empires of the world second only to that which may be taken by the United States of America, or possibly by the vast and wealthy land of China.

WALTER CHAMBERLAIN.

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## JOHN QUINCY ADAMS' DIARY.

IF fifty persons should be asked to name the most prosaic and uninteresting character in American history, forty-nine would probably select John Quincy Adams. Webster, Clay, Calhoun, General Jackson, his contemporaries, one and all were picturesque, were leaders of men, had ardent followers and vehement opponents. Enemies, indeed, Adams had in abundance, and savage ones, but friends and followers he had none. Many generations, however, passed away before there came people who could see that the Cavalier had not usurped all the picturesqueness of his age, but that the grim and austere Puritans, our forefathers, also had their share of this quality. A like justice will be done to Mr. Adams. He will never become attractive, but posterity will not hate him as so many of his own generation did; while his rigid, uncompromising adherence to duty, his courage, independence and constancy, his pure patriotism, his rare political integrity, his industry and great acquirements, his clear common-sense and keen logic, will in time be generally appreciated, as they were on rare occasions only during his lifetime. It is a goodly list of qualities for a statesman, and every one of them was highly developed in Mr. Adams. If he had added one grain of warm human sympathy, how different might have been his career in life, his memory in death! But of this he had not a particle; it was his melancholy fate to go through life always doing right in a way so repellent as to drive all waverers to the side of wrong, and making political virtue so unenticing that his fellow-politicians were too frequently nothing loath to allow him to monopolize so unpleasing a goddess.

In his famous Diary, almost commensurate with his lifetime, and filling twelve large octavos in print, he is thoroughly exposed in his virtues and his defects, his greatness and his littleness. One occa-



sionally thinks that if the filial affection and reverence which presided over this publication had been leavened with a little unfilial severity of judgment, a few passages would have been suppressed, even at some loss to the completeness of the portrait. Mr. Adams was the typical outcome of Puritanism in its New England development. Apparently he never sowed so much as a single wild oat in all his exemplary youth, although he visited all those European capitals in which vast and alluring gardens are devoted to the exclusive production of these naughty cereals. But in boyhood, youth, and manhood his eminently respectable traits remained still the same, — an honest reverence for the right, a persistent effort to do it, resulting in a respectable measure of success and an at least proportionate consciousness of that success ; a great regard for intellectual cultivation and the acquisition of knowledge ; a strong and ever-present religious belief ; and a decided distaste for all the amenities and decorations of life. His only trace of the imaginative faculty lay in his strange fancy that he could occasionally write poetry. But the lifeless bantlings to which his remarkably unimpassioned Muse gave birth are among the fragments which the friendly and judicious critic would have reserved for perusal only by the Adams family circle. Mr. Adams certainly believed himself not devoid of literary gifts, but he too often manifested to excess the faults which prevailed in the generation of his youth ; for his habit of expression was stiff, formal, and often turgid. Like many of his contemporaries, he was much too wasteful of forcible words ; especially in invective he, and others of his time, employed a vocabulary adequate to the character-drawing of an *Inferno*. But he was always clear, and never left his meaning in doubt.

He was thoroughly devout, and his *Diary* is thickly bestrewn with expressions of religious feeling. In no occurrence of life did he fail to utter the appropriate sentiment, whether in the way of praise, thankfulness, humility, or prayer. Nor does he appear ever to have doubted that he at least felt all the sensations which religion made becoming. Not that he was Pharisaical, for he was not : he was profoundly and sincerely religious ; but the very appreciation which he put upon his honest religious sentiments inevitably led to a sense of satisfaction with himself for having felt them. Indeed, he would not have been himself had he not been satisfied with himself ; for he never was without a present sense of the purity of his motives and the nobleness of his aims. Such were really the facts ; history will say so, but cannot surprise him by the statement. He was resolved to be a good man ; he was a good man : he knew it, and found pleasure in the knowledge.

One Christian virtue, however, he lacked. He had no charity for the shortcomings of others, which he contemplated, even through mag-

nifying glasses, rather with satisfaction than with pain. At the end of the twelfth volume, one is astonished to have traversed so long a period of American history, encountering so many honored names, and to reflect how scant a measure of praise, how meagre a credit for disinterested motives, have been distributed in so long a journey. A certain vague and indefinite, but very perceptible atmosphere of depreciation pervades the whole Diary. Hero-worship was as alien to Mr. Adams's nature as fetich-worship. No flame of sympathy ever unduly warmed his cold judgment ; no generous admiration ever led him a step after an erring leader. Only when his own motives were traduced, or his own actions were attacked, did he show the latent heat within him ; then, indeed, he blazed forth fiercely and consumingly. He was not a great orator, but he had a terrible power of sarcasm, a keen, unerring logic. He feared no man, no body of men ; he was of a truly wonderful courage, moral, mental, and physical ; he could stand absolutely alone in face of vast odds with as tranquil a fearlessness as could have been felt by the most distant and obscure camp-followers in the opposing forces. All he wished was to feel assured what was right ; and from the moment when he had determined this, neither fear nor favor nor thought for his own interests could move him one hair's breadth. It may be doubted whether history shows a man of equal political courage. He was little troubled with doubts : every public question, as it arose, he considered and determined for himself. He had a serene and unquestioning confidence in his reasoning powers ; whither his logic led him, there he stood immovable. He might be overwhelmed beneath floods of abuse and hatred, yet there he stood ; he might make shipwreck of all his political prospects, yet still there he stood. There were times when the House of Representatives raved around him in uncontrollable fury, demanding that he should be brought to the bar of the House, censured, even expelled ; yet amid all the wild tumult he was not only unmoved but persistent. He abode by his purpose, and won a desperate fight by individual hardihood. He risked the presidency by refusing to do what he thought was wrong ; he destroyed all hope of forming a party to re-elect him by insisting upon doing what he thought was right. When he received letters threatening assassination he seemed only to become the more unyielding. In short, he probably displayed independence and courage in a greater variety of ways and under greater diversity of trial than any person whose career is on record.

John Quincy Adams was born in Braintree, North Parish, now Quincy, July 11, 1767. Boyhood and youth he had none, as even so staid an observer as Edward Everett felt constrained to remark. Shortly before his tenth birthday he wrote to his father :—



"DEAR SIR,—I love to receive letters very well, much better than I love to write them. I make but a poor figure at composition, my head is much too fickle; my thoughts are running after birds' eggs, play, and trifles, till I get vexed with myself. I have but just entered the third volume of Smollett, though I had designed to have got it half through by this time. I have determined this week to be more diligent; as Mr. Thaxter will be absent at Court, and I cannot pursue my other studies, I have set myself a stent, and determined to read the third volume half out. If I can but keep my resolution I will write again at the end of the week and give a better account of myself. I wish, Sir, you would give me some instructions with regard to my time, and advise me how to proportion my studies and my play, in writing, and I will keep them by me and endeavor to follow them. I am, dear sir, with a present determination of growing better,

"Yours &c.

"P. S. SIR,—If you will be so good as to furnish me with a Blank-book, I will describe the most remarkable occurrences I meet with in my reading, which will serve to fix them upon my mind."

A surprising product this, both in sentiment and language, for the rough farm at Braintree, where frivolous critics might say that a shocking little prig was growing up. It was, however, only the future man in little; for Mr. Adams in passing through life developed, indeed, but never changed. His continuity, so to speak, intellectual and moral, was not once broken in the long passage from the cradle to the grave. Soon after his eleventh birthday he wrote from Passy:—

"HONORED MAMMA,—My Papa enjoins it upon me to keep a journal, or a Diary of the events that may happen to me, and of objects that I see, and of characters that I converse with from day to day. And although I am convinced of the utility, importance, and necessity of this exercise, yet I have not patience or perseverance to do it so constantly as I ought."

The enterprise thus foreshadowed was actually undertaken about a year later,—to wit, on "Friday, 12 of November, 1779," when the lad was about to cross the ocean to Europe for the second time. The colossal success which ensued upon this beginning ought forever to do away with the inauspicious character of Friday; for the Diary thus begun was continued, with few and brief interruptions, almost until the death of the diarist, or nearly three quarters of a century, the last short entries being made in 1847. Such persistence in such a task strikingly exemplifies the industry and steadiness of purpose to which Mr. Adams largely owed his achievements in life.

The chief part of Mr. Adams's youth and earlier manhood was passed in Europe. Francis Dana, minister plenipotentiary from the United States to Russia, retained him as secretary when he was only fourteen years old. In 1783 he was at Paris at the signing of the treaty of peace between Great Britain and the United States, and saw much of the English, French, and American statesmen engaged in that nego-

tiation. In 1785 his father was appointed minister to England. But this wise and prudent-minded youth, not quite nineteen years of age, resolved to forego the attractions of a residence in London under such favorable circumstances, from a fear that he might injure his chances of securing a free and independent livelihood, rather than live without which he declared that he "would wish to die before his time." So the clear-headed and uncompromising young Puritan turned his back upon the gay foreign capitals and sought again the meagre shores of New England, apparently bringing back with him the reminiscence of not so much as a single folly or merry indiscretion to redeem his seven years of Europe from the singular reproach of perfect correctness.

Several years were now passed in the study and practice of the law and in the pursuit of knowledge and virtue, until in 1794 President Washington nominated Mr. Adams as minister resident at the Netherlands, whither he sailed July 11. In October, 1795, he was deputed to exchange ratifications of Mr. Jay's treaty, so called, at London. In August, 1796, he was nominated minister to Portugal; but on his way thither was intercepted by news of a change of destination to Berlin. John Adams's elevation to the presidency about this time nearly put an end to his son's diplomatic career, since both naturally dreaded misconstruction. But Washington kindly and urgently interfered, with such very flattering expressions concerning the high value of Mr. J. Q. Adams in our foreign service that the scruple was overcome. Mr. Adams remained at Berlin during four years, and his recall was one of the last acts of his father's administration. The ostensible reason given for it was the desire of the elder Adams to relieve Mr. Jefferson from any embarrassment. But this freak of delicacy is too much at variance with the rest of the retiring President's behavior at that trying period to appear credible; and the cynical observer would rather suspect that the genuine motive was to deprive Mr. Jefferson of the pleasure of recalling the minister, and to emphasize the utter alienation of the Adams family from the new administration.

Mr. Adams came home to a very different condition of political affairs from that which he had left. The Democrats were in the ascendant; the Federalists were a discouraged and rapidly dwindling party. Mr. Jefferson was President, and Mr. Adams, senior, was in private life, — a deeply embittered and enraged man. His son could hardly be expected to appreciate at once that John Adams's fall and the disintegration of the Federalist party were the direct results of the peppery old gentleman's vanity and wrong-headedness. At first he naturally took his father's side, as a good and true Federalist of the Adams wing. In a State which still remained the impregnable



stronghold of Federalism, he soon had his reward in being elected to the State Senate. The position, though more respectable then than now, was not a step upward. Yet Mr. Adams readily accepted it, having already laid down for himself the sensible and honorable rule of taking whatever office his fellow-citizens should see fit to give him. In the Senate Chamber he succeeded—according to a custom which he preserved to the extreme end of his career—in greatly exasperating many of his own party by sundry independent speeches and votes; yet in spite of such estrangement he had friends enough left, soon afterward, to elect him a member of the National Senate. To bring about this election, the Hamiltonian Federalists, who wielded a controlling influence in the State, actually united with the Adams Federalists, showing certainly great magnanimity in thus ignoring a political feud of unusual bitterness, and even disappointing their own distinguished and deserving leader, Timothy Pickering, who wanted the office for himself.

Entering thus upon a new field in Washington, Mr. Adams, with his wonted prudence, played at first the part of an observer only, amid surroundings which he could hardly have found encouraging. He was the member of a small minority, altogether devoid of even such influence as vigorous minorities can sometimes wield. Nor even among his own political associates was he popular; for the acrimony of many Federal senators towards the son of John Adams was more rancorous than their natural hostility towards the Jeffersonians. Of this he was ceaselessly made conscious. In the Senate Chamber he encountered a series of snubs the most pointed and irritating, so administered that he was obliged to submit in silence, and to forego the solace which, under like provocation in later years, he could find in retort, sarcasm, and invective. Worst of all was the treatment which he experienced from Pickering, who had followed him to the Senate as a most uncongenial colleague. Pickering was a New England Puritan of the old school, vigorous and uncompromising, self-reliant and narrow, God-fearing, Adams-hating, pugnacious, and vindictive,—a Hamiltonian Federalist of the bitter type. His chief pleasure now was to strew the path of his co-senator with thorns. It is hard to say what Mr. Adams would have done beneath such trials, had it not been for the Diary. That, fortunately, was a safety-valve for the harmless escape of sentiments which must otherwise have found a more mischievous vent. To these friendly pages he confided daily, and with an obvious sense of relief, how upright were his own intentions, how sound was his own judgment, how stupid and malicious were his opponents; and certainly there was much truth in what the solitary and hounded senator wrote.

As time went on, a breach began to open between Adams and the

Federalists concerning the relations of the United States with Great Britain. He could not agree with their warm feelings for the mother country. His foreign experience had taught him how hostile and contemptuous were the British feelings toward the ex-colonies. He knew that England's commercial policy was not only illiberal, but that it was purposely designed to hamper and ruin the nascent mercantile prosperity of the United States. Not, therefore, because he was Gallican, but because he was not Anglican, in his sympathies, he found himself at odds with the Federalists when matters of foreign policy became prominent. It was the exciting question of the embargo which finally brought the affairs of Mr. Adams to a crisis. Upon this measure he fairly separated from his party, and voted with the administration. The incensed merchants of Boston could put no limit to their wrath and vituperation. The legislature actually anticipated the regular time for electing his successor, and chose Mr. James Lloyd to fill the vacancy which would not occur in regular course for several months to come. On the same day they passed anti-embargo resolutions. Mr. Adams at once sent in his resignation. He has been subjected to much severe censure for this tergiversation, or "apostasy," as his enemies have been pleased to call it. But such animadversions seem unjust. The whole tenor of his life proves, if a long and consistent career can prove anything, that he was a conscientious, independent man, ever having the courage of his convictions, and never knowingly influenced by selfish considerations. The motives which he alleged were neither insufficient nor improbable; why, therefore, should they not be believed? For the moment, at least, he was politically injured by his course: he lost his senatorship; he made himself very unpopular in his own State; he greatly diminished his chances of future preferment, making them wholly dependent upon the good-will of hereditary and bitter political foes. Some persons have foolishly charged him with filial ingratitude, as if, forsooth, it was his duty to vote with his father's old party in direct opposition to his own principles and belief! Such criticism is futile. Dispassionate posterity must recognize that Mr. Adams acted honestly, courageously, and disinterestedly.

When, however, in March, 1809, President Madison, two days after his inauguration, offered Mr. Adams the Russian Mission, and Mr. Adams accepted it, the Federalist howl of apostasy swelled higher than ever. At the time it was doubtless sincere enough, though now it appears to have been wholly unjust. It made Mr. Adams utterly furious. He assailed his old associates vindictively with his pen, and an irreconcilable feud was fairly established between himself and the remnants of the Federal party.

While Mr. Adams was still at St. Petersburg, it became advisable



to initiate negotiations for closing the disastrous war of 1812, and he was appointed one of the five commissioners to appear for this purpose on behalf of the United States at Ghent. The task was one of peculiar difficulty. It is a favorite but altogether unfounded belief in this country that the war of 1812 was, on the whole, rather a success for us than otherwise. In fact, it was greatly the contrary. The English had had very much the best of it, and fully appreciated their achievements. Their commissioners were animated by a strong personal hostility to the United States, and presented the most preposterous and exasperating demands with even more than the usual measure of British insolence and offensiveness. The Americans were not only discouraged by such propositions, but were constantly subjected to the severest trials of temper by the intolerable manners of the Englishmen. At the same time they were well aware that they had to satisfy a people who would be content with nothing less than the fruits of victory, though victory itself had not been won. They had, moreover, not only to agree with the British, but with each other also; and this preliminary necessity was scarcely the easier of the two. Prolonged and often apparently hopeless were the bickerings recorded in the Diary. It was a wonder that unison was ever reached. Fortunately Mr. Gallatin exercised a soothing influence over his younger colleagues. Mr. Clay and Mr. Adams were constantly at variance. Their characters were fundamentally different, and two men could hardly be found to present a stronger contrast. There is an amusing sketch in the Diary, which shows Mr. Adams getting up between four and five o'clock in the morning to light his own fire and set about the studies of his long and laborious day, while the revellers, who had been passing the night at cards in Mr. Clay's rooms across the entry, were just breaking up, and going noisily home. Yet both were able and patriotic; they supplemented each other advantageously, and no lasting differences arose between them. Not so, however, with Mr. Adams and Mr. Jonathan Russell. Between these two an enmity grew up which had permanent and serious consequences. Mr. Russell, who aspired to a public career, found in this mission not, as he hoped, a stepping-stone, but a political tombstone. He was imprudent to irritate such an opponent as Mr. Adams under any circumstances; he was especially imprudent to do so when he was in the wrong. The result was that Mr. Adams rolled relentlessly over him, like the car of Juggernaut, leaving him with a shattered reputation as a man and crushed prospects as a politician. His name would be better forgotten than remembered in history.

After the conclusion of the treaty of peace Mr. Adams became engaged in arranging with Lord Castlereagh a treaty of commerce, when, on April 16, 1817, he received notice of his appointment as

Secretary of State in the cabinet of Mr. Monroe. He forthwith took his departure for the United States, which country he never again left. The long and varied diplomatic service which he thus quitted forever had been highly creditable to him, not only because he always performed well the business committed to him, but because, at an important period, he was an excellent personal representative of the new country at the courts of Europe. He had had the good fortune to enjoy even from childhood a training which freed him from all appearance of rawness or awkwardness in dealing with courtiers or diplomatists. He was accustomed to crowned heads and noblemen, to ministers and statesmen; he therefore held without effort or affectation a middle position between a dazzled servility and an offensive arrogance. He was not upon the one hand embarrassed or overwhelmed, nor upon the other was he led into foolish and discourteous displays of so-called republican simplicity. He was dignified, unostentatious, and naturally independent. Without priding himself upon a contempt for monarchical ceremonies, he yet retained in his personal habits the characteristic simplicity of his New England nurture. It followed as matter of course from his behavior that he was thoroughly successful in winning an honest and substantial respect for himself, and for his country as represented by himself. The United States may have been more brilliantly, but has never been more worthily, represented.

Upon Mr. Adams's career as Secretary of State in Mr. Monroe's cabinet it is needless to dwell. The "era of good feeling" left him little opportunity to distinguish himself save by that thorough and conscientious discharge of his duties which may be always predicated concerning him. Of course, long before the end of Monroe's second term president-making began. The condition of things was exceptional. No questions of policy divided the country; there could hardly be said to be two parties. A slight effort to make a dividing line out of the matter of internal improvements proved wholly ineffectual. It was a mere issue of men; all the possible candidates represented substantially the same principles, just as do candidates for nomination by a party caucus nowadays. General Jackson, Mr. Crawford, Mr. Clay, and Mr. Adams divided the prospects between them. For a time now the Diary becomes in a certain sense uninteresting, since it contains, with steadily increasing exclusiveness, the gossip about the campaign and the candidates. But as a picture of the true state of Mr. Adams's mind it is curious reading. He was profoundly excited by the struggle, and deeply anxious to be the successful aspirant. This may be read anywhere between the lines, and not least plainly when he tries to persuade himself into indifference, or expresses a resolve to encounter disappointment with a rigid and



unflinching aspect. The stern purpose to do no act even in the least degree possibly questionable is constantly and almost fiercely reiterated,—not Pharisaically, but with perfect firmness and sincerity. The existence of a doubt in any matter sufficed to insure a negative determination. His conduct in this cannot be too highly admired, though it would have been more attractive had it been accompanied by more charity towards his competitors. He had the not uncommon failing—which, indeed, came down to him in his blood—of believing ill of his opponents. Naturally enough, he had his ears filled with scandalous tales of the doings of the partisans of Jackson, Crawford, and Clay, and even of these gentlemen themselves; and he could not bring himself heartily to discredit such stories. Yet he clung fast to his own integrity, though it tried him severely to think that he might fail because what he believed that others had stooped to he would not do, even with every assurance of secrecy. It is not surprising that a good deal of gall got into his ink just at this time.

The result is well known. Jackson, Adams, and Crawford, having the highest number of electoral votes in the order named, came before the House of Representatives for a choice to be made between them, and Mr. Clay was to be president-maker. Whomsoever he should aid would be chosen. Having satisfied himself that Mr. Crawford was physically incapacitated, Mr. Clay, without hesitation, supported Mr. Adams; who was thereupon duly elected and inaugurated sixth president of the United States. Perhaps it was gratifying to have and to exercise the power of making a president, but it was at least paying dear for the gratification to undergo such abuse as was poured upon Mr. Clay by the friends of General Jackson, who foolishly charged him with having defeated the will of the people, and even violated the spirit of the Constitution, in setting aside the candidate who had the largest electoral vote. They were too angry or too dull to see that the fact that the Constitution expressly directed election to be made from among three was conclusive against an implied obligation to elect a specific one of these three. Moreover it appears that Mr. Adams almost certainly had a larger *popular* vote than General Jackson. But when Mr. Adams, in the composition of his cabinet, made Mr. Clay Secretary of State, the stream of indignation swelled to a roaring torrent. “A bargain! a bargain!” was the Jacksonian cry, or rather howl, all across the States of the Union. The secretaryship was the price of the presidency! So multitudes loudly said and firmly believed. General Jackson, narrowest and most vindictive of men, never doubted it to his dying day, and probably would have remained unconvinced by the revelations of a Day of Judgment. With his wonted folly, he was in time even led to declare that he had substantial proof of it, and that the first opportunity for driving a nefa-

rious bargain had been offered to him. Being challenged to produce his evidence, he named Mr. Buchanan as the emissary who had brought the proposition to him. Mr. Buchanan was his strong friend, but the General was putting his friendship to too severe a test. He only expressed astonishment at the possibility of such a misconception of anything that he could have said. His disavowal has been considered amply sufficient by posterity, but it had not the slightest influence upon General Jackson. In truth, it is long since any person versed in the history of that period has given the slightest credence to a tale which has sunk forever into the mass of calumnious political falsehoods, which do ignoble service for a brief space and never afterward find a chronicler willing to send them out into the world with a character. Mr. Clay was the fittest man in the country to be Secretary of State. Had he not received the position, Mr. Adams would have been abused for omitting him on the ground of petty malice and dread of a dangerous political competitor. Indeed, long before Mr. Clay had been called upon to act in the presidential choice, he had expressed such an opinion of General Jackson, and of his unfitness for high civil office, that to have aided in making him president would have laid Mr. Clay open to grave and just accusations.

Mr. Adams's administration, so inauspiciously begun, was honest, respectable, eminently useful to the country, but devoid of any incident which can give interest to historical narration. Internal improvements were eagerly pushed forward; manufactures were encouraged; foreign trade was fostered; the public debt was reduced from \$88,700,000 to \$58,600,000; an unprecedented number of treaties of amity and commerce was made with foreign powers; a just and humane policy was maintained toward the Indian tribes; diligence, thrift, and intelligence pervaded every department of the administration. Yet it soon became obvious that Mr. Adams could not hope to be re-elected. He made many enemies and few friends by his rigidly conscientious course. He seemed not to care to make even his virtues wear a conciliatory aspect. He repudiated temptation with actual harshness, so that those who had tempted him, as they may have thought for his own advantage, could not fail to take offence at his curt rejection of their suggestions. He obstinately refused to make any removal from office except for inefficiency or dishonesty; nay, he even went so far as to fill vacancies with the best men without regard to party affiliations,—so that among the Federal office-holders the active opponents of his administration were numerous, and many persons appointed by him strenuously assailed him. This policy was equally honorable and suicidal, yet it was but a specimen of Mr. Adams's behaviour throughout his term. He was asked to insert in a message to Congress a paragraph to soothe South Carolina. \* He re-



plied that South Carolina was stubbornly retaining upon her statute-book enactments in derogation of the Constitution of the United States, and while this was the case he could throw no soft words to her. He was warned that his warm advocacy of internal improvements would lose him the State of Virginia; but he utterly disregarded the consideration. So the honest President spent four industrious, uncomfortable years in digging his own political grave, and the intrigues and falsehoods of the Jackson men might have been spared, — certainly to their own moral advantage, — without imperilling the result of the coming election. That could hardly be called a contest in which the whole ignorance of the country rose in its might and floated its excellent representative, General Jackson, into the presidential chair. Mr. Adams was probably not surprised, and such chagrin and disappointment as he may have felt he concealed with a dignity and self-control which contrasted strongly with the ignoble conduct of his father upon a like occasion of trial.

How pitiable seems generally an ex-president of the United States! As he passes from the door of the White House our retiring chief magistrate usually becomes at once an effete creature with whom no active man would change places. There is no niche for him upon this side of his grave, and he appears such a melancholy and aimless wanderer upon earth as the ancients often sadly chose to depict the gloomy ghosts in Hades. Fortunately the independent common-sense of Mr. Adams enabled him to teach a lesson, by which, however, his less intelligent successors have profited too little. He was busily engaged in getting again into the active practice of the law, not altogether gladly, yet with his wonted resolute adherence to duty, when he had the opportunity to become the representative of his district in Congress. Without hesitation he accepted. "If my fellow-citizens of the district," he said, "should think fit to call for such services as it may be in my power to render by representing them in the twenty-second Congress, I am not aware of any just principle which would justify me in withholding them." Not in exactly such language is office usually sought in this or any other country! Friends were not wanting to suggest that Mr. Adams would find himself in a disagreeable and embarrassing position in this inferior office. But to such forecastings he gave no heed. In his simple, sensible, courageous way he only saw a fitting task before him, and he set manfully about it. No one now, whether kindly disposed to him or not, can deny that he determined wisely. Far the most honorable part of his career was yet before him, and in no period of his life does he appear so great as in his long congressional service. No member ever more faithfully attended the sessions or bore his part more assiduously in all the business of the House. His industry was unlimited; his

knowledge and experience, already great at the outset, steadily grew in fulness and accuracy; his independence was such as has never been seen before or since. Every question, as it arose, had his careful consideration, and received his support or his opposition solely upon its intrinsic and individual merits. No party affiliations controlled him; his vote was always the honest expression of his opinion. He was ungracious as ever, and had an unrivalled skill in throwing his fellow Congressmen into fits of extreme rage. He made enemies with a success and imperturbability quite marvellous and amusing. Every one whom he opposed hated him with exceptional acrimony, at least for the time; and at one time or another he opposed pretty much everybody. When he brought aid, on the other hand, he always managed to do it in such a manner as to win no friendliness or gratitude. From first to last he was a solitary old man. Yet he succeeded in mastering the respect of each successive House in which he took his seat. He was disliked, feared, and looked up to. At times his influence and the weight of his character received striking vindication, and upon some important occasions he was treated with a degree of consideration which probably surprised the very men who were manifesting it. He took it all—the outbursts of abuse and the expressions of regard—with the same equanimity, seldom feeling much either of elation or depression, and never once shaken in his supreme confidence in himself. His superb consciousness of rectitude stood to him in place of popularity, friendship, and sympathy, furnishing a truly remarkable spectacle of the potency of self-appreciating virtue.

On Dec. 12, 1831, Mr. Adams enters in his Diary: "I presented fifteen petitions, signed numerous by citizens of Pennsylvania, praying for the abolition of slavery and the slave-trade in the District of Columbia. . . . I made a few remarks, chiefly to declare that I should not support that part of the petition which prayed for the abolition of slavery," etc. It was the first move in a long conflict prosecuted by Mr. Adams through many successive years, with no single manifestation of weariness or hesitation, in the teeth of an opposition such as it is no exaggeration to say is without parallel in the history of any country. It was not only numbers that he had to encounter, but the tactics and mode of warfare of the slaveholders of that generation. Unpopularity, abuse which taxed even Southern vehemence of expression, flashes of rage fairly appalling, personal menaces, were the mile-stones marking a progress which nevertheless he steadily made. Alone on the floor of the House did the old man daily rise, looking on every side into eyes which glared at him with unsuppressed fury, conscious that only here and there a very few silent well-wishers were scattered thinly along the benches, and dauntlessly presented



his budget of Antislavery petitions. Very imperfectly was he appreciated at the time; one less sufficient unto himself would have starved for lack of friendly sustentation. But the time is coming when the nobleness of that bold and lonely figure is sure to earn a well-deserved admiration. Already Von Holst, in his "Constitutional History of the United States," by far the ablest work yet written concerning this country, puts Mr. Adams upon a lofty pedestal, and in the praise which he awards sounds the note which future writers must follow.

Seeing Mr. Adams ever ready to present their petitions, the opponents of Slavery throughout the United States sent them to him in such quantity that rarely did a day pass when he did not present some, and more than once the numbers reached two hundred in a single day. The Southerners were goaded to frenzy by this incessant fusillade. They saw no occasion for serious alarm as to immediate practical results, but their temper gave way beneath the ceaseless irritation. After a time, finding their tormentor insensible to their wrath and threats, they endeavored to silence him by a parliamentary gag. In so doing they made a fatal blunder. They undertook to resist the presentation of such petitions, and thus they put him in the position of a vindicator of the free and general right of petition. Upon such an issue it was impossible that he should not prevail. Persons who would as soon have set their names to their own death-warrants as to a petition for the abolition of Slavery, yet felt that the right to present any petition whatsoever and to have it received was sacred. The only result of the agitation was a recognition of the right of presenting the obnoxious petitions and a resolution that they should when received be laid on the table, without being printed or referred. Notwithstanding this, the petitions continued to flow forth from the steadily swelling reservoir at the North, in ever increasing numbers. Mr. Adams still presented all which came to him, and the Southerners chafed with steadily growing fury; they emptied over him not vials, but torrents and very floods of wrath, malevolence, and abuse in every form. Now it was rage, anon it was withering contempt; to-day he was harassed with malice, to-morrow scathed with magniloquent indignation. During the long years of this bitter warfare, hatred and ingenuity taxed parliamentary rules to the utmost in the desperate effort to destroy him who seemed as phenomenal a creation in politics as was Briareus in mythological Nature. But he was indestructible. The stubborn and fierce old gladiator thrived upon the unrelenting, unending conflict, and seemed to suck in greatest vigor from the atmosphere in the Hall when it was most thickened with the quick recoil of crimination and recrimination. He was never better pleased than to find himself with his back set firm against a sound moral principle, and the enemy striking and snarling

in front. In this especial contest, too, he was really fulfilling a sort of order of Nature, which arrayed the sturdy and independent New Englander against the slavocrat of the South. The hostility was inborn, inevitable, irreconcilable. Solitary as Mr. Adams for a time appeared, and little as his course was approved by the gentlemen who were his neighbors at home, he was yet a representative of New England character and New England convictions. Those who assumed to constitute the best class in Boston at that time had little love for him, and opposed rather than aided his cause; but it was he who was instinct with New England feeling and belief, not they, as the lapse of time conclusively proved. The native forces of this section of the country were behind him; they were not behind the clique of merchants and lawyers who then regarded him with so little favor, but who afterward, in 1861, came over to what had been his side. It is easy now to see what was then obscure enough even to him, that he was the champion in the first stage of a sectional struggle, in which the animosities were inborn and characteristic, belonging not to individuals scattered through both communities, but to the communities themselves as such. He was able to fight with such spirit and pertinacity because he was opposing principles and men not only condemned by the deliberate convictions of his intellect, but in strong antipathy to the warm congenital elements of his character.

Some of the scenes in this long and desperate struggle were exciting and typical enough to compel brief reproduction even in this limited space. One day in February, 1837, after presenting an enormous number of his usual petitions, Mr. Adams said that he had another paper of a somewhat extraordinary character, and he would like to inquire whether its presentation would be in order; it purported to be signed by eleven slaves. Mr. Speaker Polk was startled, declined to decide the question, and said he would refer it to the House. Mr. Adams's long preceding array of abolitionist petitions had wearied members into inattention, but Mr. Polk's obvious embarrassment attracted Mr. Lewis of Alabama, who asked what the petition was. Being told, he lost all control of himself, frothed at the mouth, turned toward Mr. Adams, and ejaculated at the top of his voice, "By God, Sir! this is not to be endured any longer!" "Treason! treason!" screamed half a dozen other members. "Expel the old scoundrel! Put him out! Do not let him disgrace the House any longer!" A resolution was moved that Mr. Adams, having presented a petition signed by negro slaves, and so given "color to an idea" that bondsmen might petition, should be brought to the bar of the House and censured by the Speaker. Another motion for the rejection of the petition fell so far short of the intensity of the occasion that it was promptly withdrawn. It was intimated that if such an offender were



to escape unchastised, Southern representatives would do well to go home. Mr. Alford wished the paper to be burned by order of the House. Mr. Haynes moved that Mr. Adams deserved the "severest censure of this House, and is censured accordingly." So the rain of invective and of condemnatory resolutions pelted upon the aged and solitary head of the stubborn vindicator of the right of petition; yet the hardy old combatant never flinched, but felt quite at home and perhaps rather enjoyed himself amid the wild din and tumult. "I suppose that if I shall be brought to the bar of the House I shall not be struck mute by the previous question before I have an opportunity to say a word or two in my own defence," he said. His "word or two" proved, as usual, very rasping. He reminded gentlemen that he had presented no petition at all, but had only asked a question; he notified Mr. Lewis that his resolution did not coincide with the petition, which prayed that Slavery should *not* be abolished; he made the most irate laugh at the ridiculous and unfortunate phrase, "giving *color* to an *idea*." He did not, however, content himself with a mere sparring exhibition, but in profound earnest made an eloquent appeal in behalf of the universal right of petition without regard to the social status of the petitioners. In time his antagonists became heartily disgusted with the contest; for, apart from such soundness as had to be conceded to his position on the general right of petition, they had been over hot-headed and had blundered into absurd as well as indefensible attitudes. They proposed to lay the whole subject on the table; but Mr. Adams strenuously resisted this, being relentlessly bent upon having the fight out. Thereupon the excitement again waxed furious. The more perturbed among the Southerners sent for their esteemed champion, Henry A. Wise, of Virginia, absent on other business. They told him that the Union was in danger. Breathless, he rushed into the Hall; but upon learning the cause of the summons his indignation was vented upon his discomfited friends. "Is that all?" he said scornfully. "In my opinion, slaves are the very persons who should petition. . . . The country, I believe, is safe." He helped matters to a conclusion, if not quite in the way expected by his friends. The House let Mr. Adams drop from its scorched fingers and was content to resolve that it could not "receive said petition without disregarding its own dignity and the rights of a large class of citizens of the Southwest and the Constitution of the United States." It appeared afterward that the paper was a forgery designed only to get Mr. Adams into trouble.

Much more furious and exciting were the scenes enacted some five years later, upon the presentation by Mr. Adams of the petition of forty-five citizens of Haverhill, praying Congress forthwith to take measures for peaceably dissolving the Union, on the ground, of course,

of the impossibility of free and slave communities existing in harmony beneath the same government. At the same time he moved that the petition be referred to a select committee, with instructions to report an answer assigning reasons why its prayer ought not to be granted. Now at last the Southern faction congratulated itself upon having this implacable adversary helplessly in their power through his own folly. Surely he had stepped over the brink into the abyss of utter destruction! They overlooked his motion, and regarded only his presentation of the villanous document. Amid the uproar, while one moved to burn the petition and another to censure Mr. Adams, others were discussing the possibility of expelling him. It was, however, a little doubtful whether the two-thirds vote, necessary for carrying this measure, could be secured; and accordingly some ingenious resolutions were framed, in the preamble to which it was clearly implied that Mr. Adams had been guilty of perjury and of high treason; and it was then declared that he had offered an indignity to the House and an insult to the people of the United States; that he well deserved expulsion, but that, of its grace and mercy, the House would be content only to censure him. It is impossible here to rehearse, ever so briefly, the tale of the conflict which ensued, and which endured through many days. It was the old struggle,—a solid South against John Quincy Adams; and the familiar encounter had the familiar ending. The trenchant tongue of the old man carried the wonted havoc among the numbers of his opponents. His blows fell savagely, and one Southern member after another writhed beneath them and sickened of the warfare. At last, by a vote of one hundred and six to ninety-three, the whole matter was laid upon the table.

Such narrations show how dangerous an opponent Mr. Adams was in debate, though he never annihilated an adversary in any such magnificent duel as that in which Mr. Webster destroyed Colonel Hayne. His power certainly was of a different description. He was not an orator either by nature or by art. His voice was shrill and piercing, excellent enough for the mere purpose of making itself heard, but very disagreeable. His personal appearance was bad. He was short, thickset, and rotund. His shiny bald head used to grow purple with excitement. With advancing years his eyes became very rheumy, and drops would often pursue each other down his cheeks. His hands trembled with an affection which grew upon him painfully in later life, and would have been utterly destructive of any grace in gesticulation, if, indeed, he had ever had any grace to be destroyed. Altogether, as may be imagined, what he said received no adventitious aid from the manner of the saying. Add to this that he never was popular, that he had if possible less faculty for conciliating good-will



than even for oratory, and we may be sure that all the influence which he had he fully deserved. But if he made himself disliked, he also made himself dreaded; for though in self-defence his temper might get thoroughly heated, yet his brain seemed always to be perfectly cool. All the immense resources which industry and experience were steadily augmenting throughout a long life — an accumulation which began when he was actually a child — were ever at his disposal; and his well-trained power of logical reasoning worked in the most exciting crises with all the even regularity of machinery. His invective and sarcasm were of the fiercer sort, — thrust and slash, — and ever left rankling hatred and exasperation behind. Few indeed were the members of Congress, during his time, who did not carry in one or more deep and sensitive scars the mementos of his merciless handiwork. Sometimes attempts were made to cow and overawe him. He was menaced with political disgrace, expulsion from the House, criminal prosecution, the penitentiary, even mob violence and assassination. But a more fearless man never lived. During the debate concerning the petition for the dissolution of the Union, he writes in his Diary: "I produced the anonymous letter from Jackson, South Carolina, Jan. 20, 1842, threatening me with assassination, and the engraved portrait of me with the mark of a rifle-ball in the forehead, with motto 'To stop the music of John Quincy Adams,' etc." Such work was as ludicrously mistaken as it was disgracefully wicked.

Yet amid all these storms Mr. Adams had the respect and confidence of a large proportion of the members of the House to a degree which they themselves perhaps were hardly aware of, and yet which was proved upon some rare occasions of trial. A notable illustration was furnished at the organization of the XXVI. Congress. When on Dec. 2, 1839, the members came together, it was well-known that the seats of five members from New Jersey, bringing the regular certificate, would be contested, and that the determination of the dispute would also determine the political character of the House. Clerk Garland, acting according to custom as chairman, paused in the roll-call when he came to New Jersey, and proposed to omit the State altogether, leaving the matter for subsequent settlement. It was an unjustifiable proceeding, since his sole function was to call the names of delegates having regular certificates, the House having subsequently to settle all contests as they should arise; but the object was to throw the formation of committees into the hands of the Democrats. Immense excitement at once prevailed, and several motions were offered, which, however, the clerk declared himself to have no authority to put prior to organization. As Mr. Adams wrote in the Diary, these two decisions formed together "an insurmountable objection to the transaction of any business, and an impossibility of organ-

izing the House." Not even an adjournment could be regularly taken. Mr. Wise, as the members poured out, shouted "Now we are a mob!" The condition was ridiculous, disgraceful, and not without serious possibilities of danger. The suggestions of the party leaders helped not at all. At last, on the fourth day, there seemed a general feeling that the only hope lay in recourse to Mr. Adams. He agreed to interfere, greatly to the relief of many anxious members, and rose to address the House. He was received as a *deus ex machina*. "Fellow-citizens, members elect of the XXVI. Congress of the United States," he began. Then, after dealing to the clerk a well-deserved denunciation, he appealed to the House to *organize itself*, and offered a resolution "ordering the clerk to call the members from New Jersey possessing the credentials from the governor of the State." Resolutions enough had been offered before, and the obstruction had only then been reached when the clerk had declared his lack of authority to put the question upon them. So now the cry went up: "How shall the question be put?" "I intend to put the question myself!" cried the old man, fully equal to the emergency. At once a tumult of applause resounded on all sides. A proposition from Rhett of South Carolina to put Mr. Adams in the chair was greeted with a shout which filled the Hall; and in a few moments Williams, of North Carolina, and Rhett conducted the venerable ex-president to the chair. Many days of stormy debate followed, during which his firm and even hand fully justified this action of his fellows. It must be admitted that the Southerners behaved very handsomely by their old foeman upon this occasion. Mr. Wise said: "And if, when you shall be gathered to your fathers, I should be asked to select the words which in my judgment are calculated to give at once the best character of the man, I would inscribe upon your tomb this sentence: 'I will put the question myself!'"

This epitaph would have been a good one, but it was not to be needed quite yet. More than nine years of unremitted toil in the familiar fields were still before Mr. Adams before his death called forth another manifestation of the great esteem and respect in which he was held. On Feb. 21, 1848, he was present in his seat with his wonted regularity, answered to his name, and voted. Near half-past one o'clock the Speaker, being about to put a question, was interrupted by the members around Mr. Adams, who observed him to be in convulsions. It was his second stroke of paralysis. Some cried that he had fainted, others that he was dead. He was indeed dying in the harness. The House was hastily adjourned, and the unconscious statesman was borne to the Speaker's room, where he lay, past all medical aid, breathing but insensible, until the second day following, February 23, when he expired. His last audible words were:



"This is the last of earth ; I am content." Upon the tablet erected to his memory were inscribed in large letters the words, " Alteri Sæculo." They were well selected ; few men have left behind them a fame so sure to be magnified by the judgment of posterity as did John Quincy Adams. The motto was, however, less fortunately followed by the letters *A* and *Ω*, — certainly susceptible of an interpretation to which the distinguished family, wherein the deceased was after all only a single link, might not unreasonably object.

JOHN T. MORSE, JR.

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## FROUDE'S DEFENCE OF HENRY THE EIGHTH.

**I**T is pleasanter to think well than ill of a man or an epoch. The author who has swept away the infamy with which prejudice or malignity has clouded a conspicuous actor in the world's history, and shown us self-abnegation where we have seen only cruelty, steadfast devotion to principle where we have seen only arbitrary passion, moral grandeur instead of deformity, championship of political and religious reform instead of an embodiment of tyranny and persecution, is worthy of all praise. He has not merely rescued a deserving name and done service to justice and truth, — he has transformed some of the darkness of history into light, and some of its hideousness into sublimity ; given us satisfaction in place of regret, and pleasure in place of pain. But the panegyrist who under the guise of history foists upon the world an apology of crime, names passion moral principle, and lacquers over guilt with the praises which belong to virtue, earns no such gratitude. The artifices of an advocate as ill become a historian as a judge.

Romanists and Protestants have regarded the leading characters of the sixteenth century from very different standpoints, and none have been more earnestly discussed from either standpoint than Henry the Eighth. These opposing sects — one looking upon him as an arch-rebel against the Church, the other, as the deliverer of the Church — have been substantially unanimous in condemnation of his conduct towards his ministers, his wives, and his children. During the present century several writers have questioned this verdict. Foremost among them is Mr. Froude. He addresses a public prepared to welcome a satisfactory vindication of Henry, places himself in an attitude to exclude the suspicion of partisan advocacy by introducing his subject

under the title of "History of England," brings great industry and zeal to his work, and urges his plea with the skill of an accomplished writer and the enthusiasm of an ardent admirer.

Has he succeeded? In seeking the answer to this question, I can only glance at such portions of his sketch as deal with the most conspicuous incidents of Henry's life, and seem best to illustrate the method of his argument.

Henry entered on his career under most fortunate circumstances. His title was undisputed. His country was exceptionally prosperous; holding the recognized balance of power in Europe, England had peace with honor at home and abroad, in fact as well as in name. A new world in the West and a new avenue to the old world in the East had just been opened to her commerce. It was the dawn of the religious reformation. Henry was physically and intellectually fitted to make the most of these vast opportunities, — a prince just stepping into manhood, with a magnificent physique, having but a single match in England in the tournament, able to draw with ease the strongest bow borne by the yeomen of his guard, with superior intellectual vigor and scope, conversant with four languages, well-schooled in literature, science, and theology, endowed with a will of overwhelming force, of an engaging presence and natural dignity of manner. With such endowments, entering upon the kingdom of this beautiful and prosperous land and brave, loyal, and powerful people, at this most eventful period, he had only to prove true to the common dictates of manhood in order to exercise a commanding and most beneficent influence on the world's history, and secure a most honorable and enduring place among the world's great names.

Nothing can be more significant as to the use which Henry made of his opportunities than the fact that so ardent an admirer as Mr. Froude has not found a single conspicuous incident of his reign in which it was not necessary to make a labored defence of the part he bore in it. The executions of Empson, Dudley, and Buckingham, and other prefatory manifestations of that despotism which never spared or pitied any who gave personal offence or might stand in the way of personal schemes or caprices, Mr. Froude either excuses or extols. But it is to the popular prejudice against the divorce from Catharine of Aragon that he first addresses his full strength. He cannot and does not deny that Catharine was a queen of unblemished character, the mother of several of Henry's children, — some dead, one living, — more than twenty years his wife, brought to the kingdom a stranger from a distant home, thrown in a special manner upon the protection of her husband, in mind, character, and dignity an honor to her position. He does not cite a word or act of hers unworthy a queen; but he labors long and earnestly to prove that the divorce was an act



of self-sacrifice to which Henry's acute conscience and tender love of his people impelled him. The king's conscience, according to Mr. Froude, troubled him lest his marriage with Catharine might have been illegal ; and he felt it his duty to insure an undisputed succession. The absolute inconsistency of the two pleas does not occur to the prejudiced advocate. We are given a picture, intended to be touching, of the poor monarch wrestling and groaning in the pangs of remorse about this marriage of twenty years before, and struggling to escape from possible guilt. In the language of Froude, "The divorce presented itself to him as a moral obligation." It is not pretended that any new fact had come to light affecting the validity of the marriage ; but after a score of years, as the queen was approaching her fifties, it gradually dawned upon the delicate conscience of the king that the bull of the pope, which granted him a dispensation to marry the widow of his deceased brother, was illegal. Even with the misconstruction of Scripture upon which the Romish prohibition to marry a brother's widow was based, it would seem clear, to a less acute understanding than Henry's, that the restriction could only be designed to prevent abuses during the continuance of the first marriage, and did not imply any moral objection to the second marriage relation after it had once begun to exist.

But supposing the doubt to be genuine, and that Henry, fresh from the theological controversies in which he had maintained the papal infallibility, felt called upon to question the correctness of the papal dispensation which authorized and sanctioned the marriage, how did he propose to settle the doubt ? By carrying the question to a higher tribunal ? No. There was none : the highest tribunal had already spoken. By going into the same tribunal, and asking the existing pope to pass upon a question already adjudicated by his predecessor ? If the authority of this tribunal was recognized, the marriage was already determined to be valid. If the first decision did not satisfy his conscience, it is hard to see how a second could. Was the question to be more impartially considered the second time ? Henry instructed his secretary to take some opportunity of speaking to the pope privately, and of warning him "as of himself" that there was no hope that the king would give way ; he was "to say plainly to his Holiness that the king's desire and intent *convolare ad secundas nuptias non patitur negativum*, and whatsoever should be found of bull, brief or otherwise, his Highness found his conscience so inquired, his succession in so much danger, and his most royal person in such perplexity for things unknown and not to be spoken of, that other remedy there was not but his Grace to come by one way or other, and specially at his hands if it might be, to the desired end, and that all concertation to the contrary should be vain and frustrate."

What a balm to the harrowed conscience of the king a decision obtained in answer to such a demand as this would be!

But the restless conscience still goaded him on, and his minister Wolsey continued to entreat the pope in the most importunate language to expedite the purposes of the king, lest by alienating him the papacy should lose one of its most potential upholders. Entreaties were followed by threats. In his instructions he says: "If his Grace should come to the court of Rome, he would do the same with such a main and army royal as should be formidable to the Pope and all Italy." A cousin of Anne Boleyn—who was already selected and openly acknowledged as the queen's successor—was sent to Rome with instructions "to announce that what he (the king) required must be done; and to declare peremptorily, no more with covert hints but with open menace, that in default of help from Rome he would lay the matter before Parliament." When it appeared that the pope might fail to declare the king and queen guilty of an incestuous marriage, the conscience became still more acute; and nothing would satisfy it but that the legate Wolsey, a subordinate of the pope and minister of the king, should have final jurisdiction of the question. The compunctions about the legality of the action of the superior tribunal were to be quieted by the decision of an inferior. That decision would be especially effectual in soothing the troubled mind, since the judge had been an advocate in the cause, was the agent and subject of the moving party, held his life at the discretion of that party, and was exposed to death and torture if he crossed an arbitrary monarch's whims.

The pope declining to refuse the queen her established right of appeal from the legate, the monarch found his conscience urging him to other expedients. Froude thinks he felt compunction about allowing the court of Rome to pass upon the question because it was a foreign tribunal. His remedy was to undertake to buy, or forcibly compel, from the universities of Europe an opinion adverse to the pope's jurisdiction. I am following the facts as conceded by Mr. Froude. Speaking of this appeal to the universities, he says: "Corruption was resorted to on all sides with the most lavish unscrupulousness." And again, speaking of France and England: "Under the allied sovereigns the royal authority was openly exercised to compel such expressions of sentiment as the courts of London and Paris desired." His comment is: "The substantial justice of Henry's cause is a reason for deploring the means to which he allowed himself to be driven in pursuing it." He states the result as follows: "If we sum up the results as a whole, it may be said that opinions had been given by about half Europe, directly or indirectly, unfavorable to the papal claims; and that therefore the king had furnished himself



with a legal pretext for declining the jurisdiction of the court of Rome." This "pretext" was sufficient; and a court of the king's own appointing, acting at its peril, and with significant warnings before it of its fate if it hesitated to do his will, lifted the load from his burdened conscience by decreeing that he had been living in incest for twenty years, and by branding his innocent and faithful wife and his only daughter with infamy. The "moral obligation" was satisfied. The possibility that he might incur the guilt pronounced by Scripture against him who putteth away his wife and taketh another never disturbed that sensitive conscience.

But patriotism as well as conscience forced Henry to the divorce, Mr. Froude says, because the necessity of insuring the succession was in itself an abundant justification of the proceeding.

The succession was in no peril of conflict. There was no more certain way to bring it into conflict than by a second marriage while Catharine was living. Mary's right of succession was not likely to be questioned. The right of succession of any child born of a second wife, to whom he was married during the life of Catharine, was sure to be. No course could more certainly cause dissension over the succession than that which he pursued. If there was doubt about Mary's succeeding him, there was no difficulty about appointing either her or somebody else by act of parliament. Such an act would certainly have as much force and respect as the act of the commission which decreed his marriage to Catharine void. As matter of fact, Henry frequently resorted to acts of parliament for the purpose of fixing the succession according to his varying moods; and at length, finding it inconvenient to obtain a special act as often as his caprices changed, he obtained a general act empowering him to appoint his successor by will. All the appointments of his will were observed in their order, including that of Mary and Elizabeth, who had both been pronounced illegitimate. How much more easily might Mary's succession have been secured when no brand of illegitimacy had been placed on her and no contestant raised up against her!

But a disputed succession was not, as Mr. Froude seems to assume, the only danger to which England could be exposed. Not only did the divorce increase rather than remove any danger of conflict over the succession, but if such danger existed, the divorce brought new and far more serious and substantial dangers. It made imminent, and apparently almost inevitable, a war of prodigious magnitude, which might have utterly destroyed the nation. Such a war had to be looked to as a probable consequence. If the national interests were to have weight in a question of this kind, their weight was heavily against Henry and not for him.

The world will still question, however, whether this was a matter

to be decided purely by policy or expediency. According to the Scriptural law, under which the marriage was contracted, by which the nation professed to be governed, and about which Henry's conscience was so much exercised, it certainly was not. Under the common law of contracts, it certainly was not. Mr. Froude seems hardly ready to lay it down as a rule of general application, that a man is justified in casting off a wife who remains faithful to every vow and innocent of every offence whenever he finds, or imagines, that some policy may be served by a new marriage; but he argues that limitations which apply to ordinary men should not be extended to a king, where the interests at stake are so much larger. This seems hardly a plausible sophistry. If the interests at stake are greater, the obligations are greater, the injury done by violating them is greater. Both the demoralizing influence upon the public of the breach of a solemn obligation by a monarch and the wrong done to individuals are proportionately greater. Mr. Froude's logic leads inevitably to the conclusion that a king is not either morally or legally bound to fulfil any obligation or abide by any contract, whether personal or political, if it seems to him that some public interest may be served by his breaking it. He does not limit the propriety of discarding one wife for another to the case where there is no heir. That was not the case with Henry. It is sufficient that the heir is not altogether satisfactory. So long as the king thinks there is a possibility that he may obtain a more desirable successor, he is at liberty to put away wife after wife, with whom he has exchanged the most solemn vows for life. If the rights of queens and presumptive heirs to the kingdom can thus be disregarded, it is hard to find any distinction which will prevent the same rule applying to every man who thinks another wife might bring him a son capable of administering his estate more advantageously than the children of his present wife. It is equally difficult to find a reason why the same rule should not extend to all contracts, and make them terminable whenever either party thinks it no longer desirable to observe them,—in other words, no contracts at all. The rule goes to the root of all obligation, moral and legal.

Mr. Froude has not explained why it was that the conscience of Henry lay dormant for well-nigh twenty years, until it was quickened into intense activity by the pretty face and form of Anne Boleyn. He does regret that the king should have been so indiscreet as to have selected his future queen three years before the divorce, and domiciled her during that time at his palace,—much of the time under the same roof where Catharine and his princess daughter remained,—treated her in the presence of Catharine as already queen in fact, taken her with him wherever he went, and required others to



pay court to her as Catharine's successor. Mr. Froude does not explain whether it was conscience or patriotism which led the monarch to heap this grossest of indignities upon his wife and daughter. He blames Anne, an ambitious and giddy girl, for allowing herself to occupy this situation ; but excuses the middle-aged king, the husband and father of the outraged ones, for having placed her in it, by the fact that he was accustomed to look at everything from the standpoint of authority.

If either conscience or security against a disputed succession were the motives of the divorce, we should expect the second marriage to be deferred at least until the question of divorce was settled, and then to be solemnized in a manner sufficiently public to avoid any question as to whether the issue were legitimate. But the only thing certain about the marriage to Anne Boleyn is that, if it took place at all, it was long before the divorce from Catharine, and was so secretly conducted that it is not to this day known where or when it occurred, by whom it was performed, or who were present. It was not publicly acknowledged until the heir, any question as to whose legitimacy would be extremely perilous to the succession, was so far advanced that longer concealment was impossible. Even then the commission, which was by its decree to heal the lacerated conscience of the king, had not been organized. Froude thus explains the necessity for pushing the divorce : " The time was pressing, for the new queen was *enceinte*, and further concealment was impossible." This was Henry's justification for a retroactive law which deprived the queen of the benefit of an appeal already taken, and submitted her cause—foreign princess as she was—to the arbitration of his personal tools.

Mr. Froude, conceding that some of the steps taken in pursuance of the divorce are to be regretted, insists that if Henry had rested on the grounds of his scruples of conscience and the necessity of quieting the succession, " our sympathies would have been unreservedly with him." Again he says, " Under these circumstances he had a full right to apply for a divorce." He protests that if personal feeling had any place among Henry's motives it was only " subsidiary," and again says : " This demand could not be considered as in itself unreasonable, and if personal feeling was combined with other motives to induce Henry to press it, personal feeling did not affect the general bearing of the question. The king's desire was publicly urged on public grounds, and thus and thus only the pope was at liberty to consider it." So well satisfied is he with this vindication that he reviews it thus : " While we regret, we are unable to blame ; and we cannot wish undone an act which might have spared a single heart, but might have wrecked the English nation. . . . Let us not trifle with history by confusing a political necessity with a moral crime."

It is very melancholy to think of the English nation as so fragile that nothing short of this performance by Henry could have saved it from wreck. The complaisance with which the gratuitous assumption of the alternative of national disaster is again and again dragged in as a pretext for exalting Henry's beastliness into patriotism, would do credit to any caricaturist. Froude's serious reviews are often distinguishable from Nasby's humorous satires chiefly by the elegance of their English and the correctness of their orthography.

But it is not enough to justify Henry. Catharine must be criticised for not in the first instance consenting to the divorce. It seems to be forgotten that she was a mother as well as a wife and a queen; that she would have been false to her daughter and false to her family if she had acquiesced in an act which robbed the daughter of her birthright, and insulted herself and the proud race to which she belonged. Compelled to see her successor installed in her place years before the form of annulling her marriage was completed, then banished herself from the palace, and followed by the king's decree ordering her to renounce her title and that of her daughter, and acquiesce in the shame put upon them both, — the majesty with which she met the affront and answered the officers who brought it is worthy of more admiration than is any act of Henry to which this most partial historian has been able to point:—

“I would rather be a poor beggar's wife and be sure of heaven, than queen of all the world and stand in doubt thereof by reason of my own consent. . . . I stick not so for vainglory, but because I know myself the king's true wife. . . . But if he take me not for his wife, I came not into this realm as merchandise, nor to be married to any merchant; nor do I continue in the same but as his lawful wife and not as a subject to live under his dominion otherwise. I have always demeaned myself well and truly towards the king; and if it can be proved that either in writing to the pope or to any other I have either stirred or procured anything against his Grace, or have been the means to any person to make any motion which might be prejudicial to his Grace or to his realm, I am content to suffer for it. I have done England little good, and I should be sorry to do it any harm. But if I should agree to your motions and persuasions, I should slander myself, and confess to have been the king's harlot for twenty-four years.”

The trial can hardly be better characterized than in the language with which she closes:—

“The cause, I cannot tell by what subtle means, has been determined here within the king's realm, before a man of his own making, the Bishop of Canterbury. — no person indifferent, I think, in that behalf. And for the indifference of the place, I think the place had been more indifferent to have been judged in hell: for no truth can be suffered here, whereas the devils themselves, I suppose, do tremble to see the truth in this cause so sore oppressed.”

Froude thus depreciates the queen's answer:—



"Most noble-spirited and like a queen. Yet she would never have been brought to this extremity, and she would have shown a truer nobleness, if four years before she could have yielded at the pope's entreaty on the first terms which were proposed to her. . . . She was required only to forget her own interests, and she would not forget them though all the world should be wrecked by her refusal. . . . But we may pass over this. It is not for an English writer to dwell upon those faults of Catharine of Aragon which English remorse has honorably insisted on forgetting. Her injuries, inevitable as they were, and forced upon her in great measure by her own wilfulness, remain among the saddest spots in the pages of our history."

Wilful and selfish indeed that she would not be a voluntary party to the crime against her daughter and herself! This language seems an insult either to the intelligence or the moral sense of the public to whom it is addressed. Mr. Froude apparently belongs to a class unfortunately numerous in England, whose political and religious creed seems to be summed up in the single tenet,—that every outrage against a foreigner which serves to gratify an Englishman's passion, ambition, or avarice is a virtue; and every resistance to that outrage on the part of a foreigner is a crime.

Passing to the second marriage, Froude exhausts his powers of persuasion to show that Anne must have been guilty, and Henry again driven on by a stern sense of duty. After exaggerating and drawing the most unwarrantable conclusions from every circumstance which can possibly be made to appear to cast a shadow upon Anne, he has failed to produce any evidence which, with the help of his brilliant and highly stimulated imagination, presents a plausible case against the queen. In the language of Anne herself, "it was of all things most important" to Henry and to the kingdom, of which the all-controlling order of succession was to be again affected, that the case should rest on no insufficient or questionable or concealed evidence. The charge that the young bride of Henry in the first flush of her queenhood,—the mother, in the brief period since her marriage, of two babes, one living and the other dead,—had during that time sought menial lovers is too improbable to be believed without some impartial evidence; and nothing worthy the name of evidence is furnished. One wretch, in fear of torture and death, is said to have confessed to guilt upon the promise of pardon, and was then hung to prevent retraction. Another, under the same circumstances, is said to have been persuaded to confess, but immediately afterward retracted and went to the block. The others all denied the charge. Not even circumstantial evidence against them is produced. If the queen was guilty, there must have been obtainable evidence from other sources than the parties themselves, or her guilt could not have been known to Henry. Where was it? Froude has searched diligently for it, and searched in vain. A prediction of Sir Thomas More that her splendors

would have a stormy end is cited by Froude as a proof of her guilt! If More had knowledge of her guilt at the time he is reported to have uttered these words, it would not have remained for years a secret, and the proof of it then been left so deficient. This language was far more likely to have been founded on what More knew of Henry's character than on any suspicion of Anne's guilt.

It is repeatedly assumed that it has been proved that Anne was not Henry's legal wife, because she had been before married to another. Now, if this were true it would, as has been suggested by a previous historian, destroy the very pretext upon which Anne was executed. For if she were not legally married to Henry, she had not been guilty of any breach of marriage obligation to him. The evidence which satisfies Mr. Froude that she had been before married is an allusion which he finds to an "impediment unknown at the time of the marriage, since then confessed by the Lady Anne." There is nothing to show the kind of "impediment" referred to, and no proof of any confession of it. When we remember how liberal Henry and his ministers were in construing impediments, the assumption that this indefinite expression proves a prior marriage would be amusingly extravagant if there was no evidence to the contrary. But the evidence to the contrary is direct, positive, and legally authenticated. The gentleman alleged to have been her husband denied it under oath, and there is no reason to doubt him. He does not appear to have been doubted at the time.

We are asked on such evidence as this to believe that a young lady attached to the court, and the centre of attention as the appointed bride of the king, was married, and yet that no whisper of suspicion of this was ever heard during those years between her betrothal and marriage to the king, when she was the most conspicuous target for scandal, and when a large part of the nation, high and low, had every motive which personal jealousy and political and religious animosity could furnish to bring to light any fact that could tarnish her name. If such a marriage took place and she confessed it, conclusive proof could easily have been obtained after her confession. The king and his ministers had every motive and opportunity to prove it. But Mr. Froude is unable to produce an expression which can indicate that they seriously made the charge, much less that they claimed to have proved it.

The number and rank of the men concurring in Anne's sentence is insisted upon as proof of her guilt. The number and rank of these men who knew the evidence upon which she was sentenced, and had the strongest motives for justifying the sentence, is overwhelming proof that there was no better evidence before them than that which has been handed down to us. When we remember the absolute



authority which Henry exercised over his nobles ; the utter abjectness and Oriental servility with which councils, commissions, convocations, and parliaments prostituted themselves to the gratification of his passions ; that lords and commons were both obsequious and shameless enough to send to death at his bidding, without the form of trial, those in whose only offences they were themselves the active participators and coadjutors ; that in the present instance they were exposed to death if they crossed their master ; and that the queen's sudden exaltation from an inferior to a superior rank had made her the object of their bitter jealousy and hatred, — when we remember all this, their complicity in her death is explained without any such violent presumption as that they acted upon other and better evidence than that by which they then or subsequently pretended to justify their conduct.

But, guilty or not guilty, it was hard that Anne should plead in vain with her husband for an open trial. The plaintive entreaty which came from his late bride in the dungeon could not move the heart already basking in the smiles of her successor in his affection, but it still sounds its sorrowful notes in our ears : —

“Try me, good King ! but let me have a lawful trial, and let not my sworn enemies sit as my accusers and my judges. Yea, let me receive an open trial, for my truth shall fear no open shame. Then shall you see either my innocence cleared, your suspicions and conscience satisfied, the ignominy and slander of the world stopped, or my guilt openly proved ; so that whatever God or you may determine of me, your Grace may be freed from an open censure ; and my offence being lawfully proved, your Grace is at liberty, both before God and man, not only to execute worthy punishment on me as an unlawful wife, but to follow your affections, already settled on that party for whose sake I now am as I am.

“But if you have already determined of me, and that not only my death but an infamous slander must bring you the enjoying of your desired happiness, then I desire of God that he will pardon your sin therein and likewise my enemies, the instruments thereof. . . . My last and only request shall be that myself may only bear the burden of your Grace's displeasure, and that it may not touch the innocent souls of these poor gentlemen who, as I understand, are likewise in strait imprisonment for my sake. If ever I have found grace in your sight, if ever the name of Anne Boleyn hath been pleasing in your ears, even then let me obtain this request, and I will leave to trouble your Grace any further. From my most doleful prison in the Tower, your most loyal and ever faithful wife,

“ANNE BOLEYN.”

Froude thinks the tone of this letter unbecoming in a wife towards her husband !

The fact that Henry was paying open court to Jane Seymour before he became suspicious of Anne, and married her almost before the blood of Anne was dry on the block, does not suggest any suspicion of personal motives. Henry, dragging from her infant daughter his young wife just risen from the bed in which she had given

birth to a dead son, branding this the second of his living daughters as illegitimate, and sending the mother to the most ignominious of deaths while he was in dalliance with her rival, awakens no revulsion in the historian's breast. His censures are for Anne, to whom he seems, with remarkable assurance, to think he has succeeded in transferring all the blame. "It has been no pleasure for me," he says, "to rake among the evil memories of the past to prove a person guilty whom the world has ruled to have been innocent. Let the blame rest with those who have forced upon our history the alternative of a re-assertion of the truth, or the shame of noble names which have not deserved it at our hands." The noble names referred to are Henry and his instruments. He then appeals to the prejudices and self-interest of the Protestants, whom he accuses of having "courted an infamy for the names of those to whom they owe their being, which, staining the fountain, must stain forever the stream which flows from it." If every stain on the character of Henry the Eighth is to be communicated forever to the character of Protestantism, it were better that Protestantism had never been born. Fortunately this assumption is as illogical as many others by the same author. Henry the Eighth never had any intimate acquaintance with Protestantism; and if he had been one of its founders, it would by no means follow that all his blemishes were communicated to it. This kind of appeal is introduced repeatedly, as if it were a religious duty to believe Henry always right and his victims always wrong.

When Jane Seymour died upon the birth of her first child, a few months after her marriage, it would seem natural that a husband of any affection and sensibility would have been too much saddened by the circumstances of her death to entertain the thought of another marriage at least for some months; but negotiations were on foot immediately for Jane's successor. Henry proposed to Francis of France to meet him at Calais, bringing with him the first ladies of his kingdom, from whom Henry might make his selection. Francis, though anxious to conciliate Henry, was not willing to drive the ladies of France to auction, like a herd of cattle. Anne of Cleves, however, was soon fixed upon; partly, it seems, because she was reported to be large of stature, which was a great commendation to Henry, and partly because he fancied a flattering portrait. She did not prove to be so attractive in person as he had anticipated, and proceedings for divorce were immediately instituted. During their pendency, Cromwell, who had conducted the negotiations for the marriage, though he had probably never seen Anne until after the king had, was sent to the block. Anxiety about the succession or any public interest cannot be pleaded here, for this divorce could only bring



foreign complications, and threatened serious consequences. There seems to be no room for the plea of conscience again, but Froude is not dismayed. He has just explained that Henry's entering into negotiations for marriage immediately upon the death of Jane was not due to any desire of his own, but was a yielding of his personal inclinations to the interests of the nation, — spending much pathos over the self-sacrifice of the monarch, which amusing theory he bases upon a quotation from a state paper, reciting in the usual court phrases the king's gracious condescension and his "tender zeal to his subjects, which has formed his mind to be indifferent to his own wishes." He now thinks Henry ought not to have been held to a marriage which was not to his taste, though it might cost a disturbance of all England's alliances to free him from it. It should be remembered that Henry had seen Anne before the day of his marriage, and her uncomely features were not discovered until after marriage. If another heir to the crown was, as Froude asks us to believe, the only inducement to this marriage, Anne seems to have been well qualified to produce a robust prince. But that delicate conscience has again to play its part! We are told that Henry "grew superstitious about his repugnance, which he regarded as an instinct forbidding him to do an unlawful thing." The nominal grounds of the divorce were, that Henry had never inwardly given his consent; that he had not consummated the marriage; and that there existed a pre-engagement of Anne, which, however, was admitted to have been cancelled by mutual consent before the engagement to Henry. Prior contracts seem to have been favorite devices in Henry's divorce proceedings.

Froude pronounces this divorce "undoubtedly legal," and gives as a reason that Anne would have been entitled to a divorce *a vinculo* from Henry. In other words, because Henry's conduct would have entitled her to a divorce from him it gave him a legal right to a divorce from her. Froude's law and logic are equally at fault. Anne was not legally entitled to a divorce *a vinculo*; and if she had been, it gave Henry no right of divorce against her. If his default had entitled her to a release, it certainly did not so entitle him.

This is Mr. Froude's view of the case from a legal standpoint. How for his view from the moral standpoint? He says:—

"Nor could the most scrupulous person, looking at the marriage upon its own merits, pretend that any law, human or divine, would have been less outraged by the longer maintenance of so unhappy a connection."

The questions of conscience, which earlier played so prominent a part, have dropped from sight.

As usual, the next wife seems to have taken the king's fancy

before her predecessor was disposed of. Henry's delicacy of sentiment, causing such a revulsion at the plain features of the virtuous Anne as to justify his divorce, was at the same time impelling him towards a common prostitute,—for such, according to Mr. Froude, was his fifth queen.

Catharine Howard may have furnished her husband with a better excuse for her execution than her predecessors, but it is difficult seriously to follow Mr. Froude in his lamentations over the new cup of grief thus brought to the king. There seems to be no evidence that the execution of any of his wives caused him a moment's sadness or regret. Catharine Parr, the sixth of the list, was apparently at one time in imminent danger of following the others to the block, because of a careless utterance on some trivial point of theology; but she artfully saved herself by pretending to have used the expression simply to draw from her husband his overwhelming refutation of the error.

I have not time to follow Froude through his apologies of the treatment of Wolsey, which death prevented from culminating in execution; of the execution of Robert Aske, after Henry had obtained his surrender upon an express pardon; of the execution of Sir Thomas More and Archbishop Fisher, of Cromwell, of the Duchess of Salisbury, and of the many other victims of his caprices or passion; or of the acts of succession, and the oaths which accompanied them,—acts which in themselves and in the method of their execution rival the worst features of the Inquisition. For all these Mr. Froude finds a justification, and often when we stand aghast he bursts forth into eulogy.

But I cannot conclude without a word upon Henry's claim to rank as the founder of the Protestant Church, upon which Mr. Froude loves to dwell. To me the claim seems utterly without support. That he was the most dogmatic of Romanists during the twenty years of his reign which preceded his quarrel with the pope over the annulment of his marriage his controversial writings upon the German Reformation, as well as the policy of his government, sufficiently witness. Henry, when he quarrelled with Rome because it would not do his bidding, did not destroy, or pretend to destroy, any of the obnoxious authority which the Church had claimed to exercise over the consciences of men, but only transferred that authority from the pope to himself; and if it could have been held and exercised by himself and his successors, as he designed it should be, the transfer would have been an unfortunate one. Henry claimed, and endeavored to exercise, over the beliefs and consciences of his subjects, as well as over their outward conduct, an authority as absolute as that ever claimed by any pope,—and far more arbitrary, for it knew no limitations of usage or precedent. It was one moment a deadly offence to believe



what it was the next moment equally fatal to doubt. Conscience and religious belief had to shift with every whim of the monarch. This despotic authority over the conscience did not limit itself to religious belief, which might be supposed to concern the soul of the subject, but extended to any abstraction upon which it might please the monarch to prescribe an opinion. To have secretly doubted the validity of the dispensation under which Henry was first married would at one time have sent the most loyal subject to the stake as a heretic ; to have secretly doubted its invalidity would soon after have sent him to the scaffold as a traitor, though in either instance he might have been ready to swear obedience to the laws and decrees as they stood, and to the order of succession established under them.

The authority assumed and most extravagantly exercised by Henry was, in the language of the act of parliament recognizing it, "to visit and repress, redress, reform, order, correct, restrain, or amend all errors, heresies, abuses, offences, contempt, and enormities which fall under any spiritual authority or jurisdiction." The title given him was "Only Supreme Head on Earth of the Church of England." To doubt even secretly the legality of this authority or this title was high treason. Silence was no protection, for any person might be arrested and cross-questioned as to his opinions at the will of the king or his ministers, and if entrapped into an unsatisfactory answer, be sent to the block or stake. One act of parliament authorized Henry or his successors at will to annul any law enacted before he was twenty-four years of age ; another made his proclamations of equal force with acts of parliament ; another authorized him to dispose of the crown by will. The six articles passed at Henry's dictation during the latter part of his reign represent the progress which Protestant belief had made. In them the denial of the real presence in the communion bread was made punishable by the double penalty of burning, as in case of heresy, and forfeiture, as in case of treason, without even the poor privilege of abjuring. The perpetual obligation of vows of chastity, private masses, the celibacy of the clergy, and auricular confessions were enforced by imprisonment at the king's pleasure in the first instance, and by death if this did not prove sufficient. Even this arbitrary law was strained to additional severity in the execution. Torture and burning by slow fire were inflicted for simply doubting that the real body of Christ was actually present in the eucharist. Not a very advanced state of Protestantism certainly ! But Henry broke up the religious houses, it is said. Yes, some of them ; among them some of the best and some of the worst, — not from principle, for he not only continued the system but inflicted the heaviest penalties for resistance to it. These houses had large possessions and large revenues. These possessions and rev-

venues were appropriated for the king's personal uses, and the many who were dependent upon them were robbed of their only support. Henry undoubtedly broke down some barriers which stood in the way of the Reformation, but it was as barriers to the gratification of some personal whim that he laid his hand upon them. If we had to choose between living under the spiritual administration of the Pope of Rome and that of Henry the Eighth, I think many of us would prefer the Pope.

Great in many respects Henry undoubtedly was, or he could never have ruled Englishmen with an absolute despotism; but the praise of a reformer as ill becomes him as that of a dutiful husband, a gentle father, or a benign sovereign. Throughout his reign England was ablaze with fires in which her true Protestants were roasting, while her scaffolds were repeatedly dripping with the blood of those who had the strongest and tenderest claims on his protection, sympathy, and love. If with Mr. Froude we could believe his minister and wives deserving of their fate, we should still be chilled and horror-stricken at the inhuman effrontery with which he conducted himself amid these sad scenes, and heaped gratuitous insults and outrages upon the unfortunates, and upon his innocent daughters. To those who believe them, almost without exception, to have been guiltless of any offence that furnished a warrant for their fate, to have gone to death, and shame worse than death, merely to gratify his personal passion, an effort to exalt this hideous atrocity into moral heroism is monstrous.

ROBERT H. PARKINSON.

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## THE TARIFF QUESTION. •

**P**OLITICAL Economy is sometimes defined as the science of exchanges. Bastiat says: "Exchange is Political Economy, — it is society itself; for it is impossible to conceive society as existing without exchange, or exchange without society."

Freedom of exchange, for that which he has produced or acquired, is undoubtedly the inherent right of every man. The value of whatever we may possess depends largely on our being able to dispose of it, — that is to say, to exchange it for something else. The more wide and unrestricted the sphere in which we may make this exchange, the more do our possessions increase in value. Absolute freedom of exchange, however, has its limitations; and these are of two kinds, — namely, natural and artificial. As illustrations of the former may be mentioned intervening distance, an ocean or a mountain range, a



rocky ledge in a harbor channel, and, what is of temporary duration, a winter storm or a snow blockade. The injurious influence of any of these obstacles upon two persons or two communities separated and kept apart by them, and also upon the property on both sides which it is desired to exchange mutually, is apparent to everybody ; and the removal of such obstacles, in effect or actually, is admitted on every hand to be a blessing. Is the result to an individual or a community, or to property, the less hurtful when the limitations to the exercise of the right of free exchange are imposed not by natural but by artificial causes, — that is to say, by the act of man, whether it be the intervention of physical and irresponsible force, or the interference of statute law ? The tolls levied in the Middle Ages upon the traffic of the Rhine, by the fierce chieftains dwelling in the fortresses whose picturesque ruins now add such a charm to the banks of that noble river,<sup>1</sup> or by the warlike masters of the rocky heights of Tarifa upon the commerce of the Mediterranean as it passed between the pillars of Hercules, were, and must be acknowledged by everybody to have been, an unmixed and undisguised evil. The embargo laid upon a port or a line of sea-coast during a time of war is and must be, and is intended to be, in like manner disastrous. Can the result be an absolute good, when the obstacle in the way of free exchange comes not from a tyrant's castle, or from a blockading squadron, but from a legislative enactment, — by the levy of a local or national impost or tax ?

It is conceded, of course, that the inherent rights of the individual may properly be circumscribed in their exercise for the common good ; that restraint may be put upon his methods of action in various ways, and that his property may be taxed on an equal footing with that of his fellow-citizens. It is only just that he should be made to contribute, according to his ability, to the maintenance of the civil institutions under which he lives, which afford protection to himself and his family, and which give a more positive and permanent value to the property which remains to him after the assessment and collection of an equitable tax. Still this tax can hardly be called a good in itself ; it is a price paid, or assumed to be paid, for an equivalent received from the Government in protection and safety. If this equivalent were not a necessity, and if the citizen could enjoy and control the possession, use, and disposition of that which he calls his own, without abatement or diminution, certainly he would be by so much the better off. The smaller the sum, then, deducted for the proper purposes

<sup>1</sup> Dr. Edward Young, in his "History of Customs Tariff Legislation," reminds us that the present royal House of Hohenzollern takes its name from the tariff system. The ancestors of the Emperor William were the lords who kept the upper toll on the Rhine, from which they derived their revenues ; hence their name of Hohenzollern, or *upper toll-takers*.

of government, the better it must be for all concerned. As a well known writer has said : " A diminution of taxation, or of the expense of government, benefits the public precisely in the same way that a diminution of the cost of food or of any useful or desirable commodity benefits individuals."

Taxes are of two kinds, direct and indirect. The latter have always had the preference with rulers and legislators in constitutional countries ; and the reason for this is plain. The burden of direct taxation is obvious and cannot be concealed ; while an indirect tax, which makes no open demand upon the citizen for a specific portion of his income, does not so readily arouse his suspicions and criticisms in reference either to the objects for which the money is collected or the ways in which it is disbursed. The articles upon which income is expended being taxed, rather than the income itself, the actual amount of the taxation is not immediately apparent. Hence, this form of taxation is, upon the whole, more acceptable than the other to the people themselves. Without stopping to discuss the relative merits of the two systems, we proceed to the consideration of one class of indirect taxes ; namely, customs duties, or duties on imports.

It is said that customs were in force in England before the Conquest ; but the king's claim to them was first established by statute early in the reign of the first Edward. " Moderate duties on imports," says McCulloch, " are about the most productive and least objectionable of taxes. They are collected with the greatest possible facility, involving no inquiry into the circumstances of individuals, as is the case with taxes on income and property, nor any interference of any sort with the processes carried on in the arts, as is sometimes the case with excise duties." It must not be lost sight of, however, that customs duties, like all other taxes, are not in themselves a blessing, nor should they ever be prized as an end, but only as the means to an end. They may and they should be so laid that their incidence shall produce the minimum of interference and cost to those who pay them ; but at the best, being a limitation upon the freedom of commercial intercourse, they are nothing else than a necessary evil. If they could be altogether dispensed with, the world would certainly be better off without them. We have this testimony in favor of unrestricted freedom of trade from a great Tory minister of the last generation, Lord Liverpool, quoted with approbation by Mr. Webster in his tariff speech of April, 1820, in the House of Representatives. Said the English premier : —

" Of the soundness of that general principle I can entertain no doubt of what would have been the great advantages to the civilized world, if the system of unrestricted trade had been acted upon by every nation from the earliest period of its commercial intercourse with its neighbors. If to those advantages there could



have been any exceptions, I am persuaded that they would have been but few ; and I am also persuaded that the cases to which they would have referred would not have been in themselves connected with the trade and commerce of England. But we are now in a situation in which — I will not say that a reference to the principle of unrestricted trade can be of no use, because such a reference may correct erroneous reasoning, but in which — it is impossible for us, or for any country in the world, but the United States of America, to act unreservedly on that principle. The commercial regulations of the European world have been long established and cannot suddenly be departed from."

Supposing a proposition to be made to England by a foreign State for free commercial intercourse, Lord Liverpool said further : —

"It would be impossible to accede to such a proposition. We have risen to our present greatness under a different system. Some suppose that we have risen in consequence of that system ; others, of whom I am one, believe that we have risen in spite of that system."

Of the changes which took place about a quarter of a century later, under the leadership of Sir Robert Peel, we shall have occasion to speak later.

A policy of absolute commercial freedom would not have been altogether new in the history of the world. A code framed in Venice in 1242 provided for the transmission of property, the conduct of civil suits and the punishment of crime ; but although prepared for the greatest trading community of the time, it contained "no other regulation relating to commerce than some directions respecting freights, averages, seamen's wages, etc." How free and unrestricted the policy of the Netherlands was, in the best days of the republic, we all know. The author of the "Industrial History of the Dutch" says : —

"While almost all the other governments in Europe were busy barring their frontier gates and halloaing their pauper vassals on against the improvements and inventions of their neighbors, — while everywhere else the machinist and the chemist were the objects of suspicion or ruthless injury, and the merchant an unpitied and unheard victim of protective extortion, — the ports of Zealand, Utrecht, and Holland were open to whomsoever had any new thing to show or sell. His person and property were not only secure, but, to make him feel at home, and thus, if possible, to induce him to fix his permanent abode among them, was a principle of the government and a practice of the people ; for both believed that it was their interest to treat strangers so."

It were needless to speculate now upon what the result might have been in the United States if this country had availed itself of the opportunity which, as Lord Liverpool thought, lay before it for the maintenance of free commercial intercourse with all the world, like that enjoyed by the Venetians and the Dutch. So late as 1824 freedom of trade, to quote Mr. Webster's language, had been accepted here as the principle, and restriction had been made the exception. When Mr. Clay in the year just named brought forward his proposal

for what he called an "American policy," he admitted that it was "a new policy in this country;" while the New England statesman showed that so far as other nations were concerned it was a worn out policy, soon to be discarded by them; and he protested that we were about "to ornament ourselves with cast-off apparel." He said further:—

"Commerce is not a gambling among nations for a stake, to be won by some and lost by others. It has not the tendency necessarily to impoverish one of the parties to it, while it enriches the other. All parties gain, all parties make profits, all parties grow rich, by the operations of just and liberal commerce; . . . its only object being, in every stage, to produce that exchange of commodities between individuals and between nations which shall conduce to the advantage and to the happiness of both. Commerce between nations has the same essential character as commerce between individuals, or between parts of the same nation. Cannot two individuals make an interchange of commodities which shall prove beneficial to both, or in which the balance of trade shall be in favor of both? If not, the tailor and the shoemaker, the farmer and the smith, have hitherto very much misunderstood their own interests. And with regard to the internal trade of a country, in which the same rule would apply as between nations, do we ever speak of such an intercourse as prejudicial to one side because it is useful to the other? Do we ever hear that because the intercourse between New York and Albany is advantageous to one of those places, it must, therefore, be ruinous to the other?"

Mr. Everett, in his address on the death of Mr. Abbot Lawrence in 1855, related that on one occasion, having a lecture to give before a local association, he went to Mr. Lawrence and asked him what he should say to the young men. This was the reply he received:—

"Tell them that commerce is not a mercenary pursuit, but an honorable calling. Tell them that the hand of God has spread out these mighty oceans, not to separate, but to unite the nations of the earth; that the winds that fill the sail are the breath of heaven; that the various climates of the earth and their different products are designed by Providence to be the foundation of a mutually beneficial intercourse between distant nations."<sup>1</sup>

Such were the views of the founders of the New England manufacturing system, who were protectionists but not prohibitionists. They believed that manufactures could be promoted "without any diminution of agriculture or navigation, but on the contrary with a large increase of both."

The prohibitionists of Pennsylvania have not always been so moderate. One of their leaders, the late Mr. Henry C. Cary, once publicly expressed it as his opinion that the best thing which could

<sup>1</sup> These noble sentiments recall Tennyson's lines:—

"And let the fair white-winged peace-maker fly  
To happy havens under all the sky,  
And mix the seasons and the golden hours,—  
Till each man finds his own in all men's good,  
And all men work in noble brotherhood."



possibly happen to the United States would be to have the ocean which rolls between the two continents converted into a sea of fire, so impassable that if Dives were in Europe and Lazarus in America they could not under any circumstances enter into commercial correspondence.

Alexander Hamilton is often called the father of the protective system in the United States. Were he to re-appear among us now, he would find it difficult to recognize his economic ideas in the teachings of some who claim to be his followers, or in the tariff schemes which they support. His first report as Secretary of the Treasury, bearing date Jan. 14, 1790, might almost have been written by an English Chancellor of the Exchequer of the present day, for it urges the imposition of the heaviest duties upon wines, spirits, tea, and coffee, and for the following reasons :—

“It will be sound policy to carry the duties upon articles of this kind as high as will be consistent with the practicability of a safe collection. This will lessen the necessity both of having recourse to direct taxation and of accumulating duties where they would be more inconvenient to trade, and upon objects which are more to be regarded as necessities of life. That the articles which have been enumerated will, better than most others, bear high duties can hardly be questioned. They are all of them in reality luxuries ; the greater part of them foreign luxuries ; some of them, in the excess in which they are used, pernicious luxuries.”

The report recommended the following rates of duty, which were adopted by Congress, with the exception of those on distilled spirits, which were fixed at a lower point : On wines, 20 to 30 cents a gallon ; on distilled spirits, 20 to 40 cents a gallon, according to strength ; on Hyson tea, 40 cents a pound ; on other teas, 12 to 24 cents a pound ; on coffee, 5 cents a pound.

In Mr. Hamilton's celebrated report on manufactures, dated Dec. 5, 1791, the opening paragraph, in which he distinctly announces the protective principle, would seem to indicate no less distinctly that he felt himself compelled to accept this principle in self-defence as it were, and in view of the restrictive and hostile legislation of other countries. Had it been possible for the debates which took place in the British Parliament even in 1820 to have come sooner by thirty years, and had a disposition been manifested by English statesmen in Mr. Hamilton's day to mitigate the rigor of the navigation laws and of the old colonial system generally, the position on the tariff question of this great financier might have been very different from that which he felt obliged to take, and the whole course of fiscal legislation in the United States might have been changed.<sup>1</sup> This is Mr. Hamilton's language :—

<sup>1</sup> Mr. Morse, in his “Life of Alexander Hamilton,” confirms the opinion of the Tariff Report expressed in the text. In vol. i., pp. 358-361, he says :—

"The expediency of encouraging manufactures in the United States, which was not long since deemed very questionable, appears at this time to be pretty generally admitted. The embarrassments which have obstructed the progress of our external trade have led to serious reflections on the necessity of enlarging the sphere of our domestic commerce. The restrictive regulations which in foreign markets abridge the vent of the increasing surplus of our agricultural produce serve to beget an earnest desire that a more extensive demand for that surplus may be created at home; and the complete success which has rewarded manufacturing enterprise in some valuable branches, conspiring with the promising symptoms which attend some less mature essays in others, justify a hope that the obstacles to the growth of this species of industry are less formidable than they were apprehended to be; and that it is not difficult to find, in its further extension, a full indemnification for any external disadvantages which are or may be experienced, as well as an occasion of resources favorable to national independence and safety."

Congress moved very cautiously and very gradually, at first, in the imposition of tariff duties. Under the act of 1789 the average rate was equivalent to an *ad valorem* duty of  $8\frac{1}{2}$  per cent; under the act of 1791 it was equivalent to 11 per cent, and under that of 1792 to  $13\frac{1}{2}$  per cent. After 1792 the 5 per cent schedule disappeared from

"It is however an incorrect construction of that report to regard it as a vindication of the general or abstract doctrine of protection. Hamilton was very far from assuming any such position; protection always and everywhere was not his theory; protection was not his ideal principle of commercial regulation. For example, it is altogether impossible to predicate from anything contained in this report what would be its writer's opinion as to the proper policy in the present circumstances of this country, were he alive to-day. So far from entertaining any predilection for protection in the abstract, it would seem that in a perfect commercial world he would have expected to find free-trade the prevalent custom. . . . In other words, if free-trade were the rule of the whole commercial world, Hamilton was not prepared to say that the United States would find it for her interest to be singular. But such were not the premises from which he had to draw a conclusion. A quite opposite condition of things existed: the commercial relations of Great Britain to the United States then outweighed in importance to the latter country the connections which were or might become established with all the other countries of the globe, civilized and barbarian, besides. But Great Britain in those days was as far gone in the extremes of protection as she is now advanced in the contrary direction of free-trade. American commerce had been taught in the colonial days to seek British channels. The mother country and her provincial dependencies had absorbed it all. The old familiar ways were not to be exchanged for new ones, even if new ones equally good could be opened, except slowly and reluctantly. Yet ever since the peace, Great Britain by her laws and her orders in council had pursued with unrelenting vigor and consummate skill the system of commercial oppression toward this country. She seemed resolved to impoverish her revolted provinces so far as lay in her power, to make them pay commercial tribute, and to subject them to a commercial dependence so far as her ability could go; and for this purpose her ability had been proved to be very great. Hamilton's business was to consider what it was wise for the United States to do in the actual condition of commercial affairs then prevalent in the world around them; not to consider what condition of affairs it would be desirable to establish throughout that world, or what would be wise in a different condition of things either foreign or domestic. He had a business problem to solve, not an essay to write. This end he kept strictly in view throughout his arguments and recommendations."

Mr. Morse goes on to say that, apart from the foregoing considerations, Hamilton argued in favor of the principle of protection in the childhood of the republic, upon its intrinsic or domestic merits.



the enactments; after 1800 the 10 per cent schedule disappeared, and after 1803 the 12½ per cent schedule; while the list of enumerated articles on which various rates were laid was steadily growing longer. Pending the declaration of war in 1812, an act was passed adding 100 per cent to all duties then in force, to be collected during the continuance of the war. In 1816 Mr. Clay first declared himself an advocate of "a thorough and decided protection to home manufactures," but he failed to carry the rates which he proposed on imported cottons. In the tariff of this year there was a large increase in the number of articles on which specific duties were levied. In 1824, as we have said, the first decidedly protective tariff was passed, but by a very close vote, — 107 to 102, — in the House of Representatives, and it was materially modified in the Senate. The tariff of 1828 was also framed with direct reference to protection, and in the course of the debate which preceded its passage Mr. Buchanan made an extreme speech, which in its spirit was in full harmony with the remarks we have quoted from another leader of public opinion in Pennsylvania. He said: —

"If you wish to adopt a prohibitory system, you have not selected the proper course. You should follow the example of Napoleon. You should pass a direct prohibition, and confiscate and burn all foreign woollens which you can find in the country. As long as you permit goods to enter the country at all, the higher the duties the greater the temptation to evade them."

The vote on the bill of 1828 shows that parties were still very evenly divided on the question of protection: in the House of Representatives it was 105 to 94, and in the Senate it stood at 26 to 21. In 1833 Mr. Clay, with the purpose of allaying the jealous and bitter feeling which the growth of the restrictive system and, we must add, the success of manufacturing enterprise in New England were enkindling in many parts of the South, succeeded, after a long struggle, in carrying his compromise bill, under which, by a sliding scale, the rates of duty were to be gradually diminished year by year. In 1842 a positively protective tariff was again enacted; but the vote in the Senate was very close, — 25 to 23. The pendulum swung once more in the opposite direction in 1846, when Mr. Robert J. Walker, then Secretary of the Treasury, submitted an elaborate report to Congress, with the draft of a revenue tariff bill, which, after a long debate, became a law. In the Senate it was ordered to a third reading by the casting vote of the Vice-President of the United States (Mr. Dallas, of Pennsylvania), who took occasion to say: —

"It ought to be remembered that this exercise of the taxing power was originally intended to be temporary. The design was to foster feeble infant manufactures, especially such as were essential to the defence of the country in time of war. In this design the people have persevered until these saplings have taken root, have

become vigorous, expanded, and powerful, and are prepared to enter with confidence the field of fair, free, and universal competition. The arrival of this period of time has been anxiously looked for by a large portion of our fellow-citizens, who deemed themselves peculiar and almost exclusive sufferers by the policy of protection."

The tariff act of 1857 reduced the duties levied by the act of 1846 to the extent of from 20 to 25 per cent as to the greater number of articles, and added largely to the free list. The average rate of duty under the enactment of 1846 was about 40 per cent *ad valorem*; under that of 1857 it was about 30 per cent. In 1861 the so-called Morrill tariff was passed, changing everything; and to this various supplementary acts were added during the progress of the civil war. In 1868 Mr. Wells, in his report as Special Commissioner of the Treasury, thus described the result as he found it of the tariff legislation of the previous seven years:—

"The result has been a tariff based upon small issues rather than upon any great national principle, — a tariff which is unjust and unequal; which needlessly enhances prices; which takes far more indirectly from the people than is received into the Treasury; which renders an exchange of domestic for foreign commodities nearly impossible; which necessitates the continual exportation of obligations of national indebtedness and of the precious metals; and which, while professing to protect American industry, really, in many cases, discriminates against it."

In 1870 some modifications were carried, the most important being a reduction in the duty on pig-iron of 22 per cent, in that on tea and coffee of 40 per cent,<sup>1</sup> on dried fruits of 50 per cent, and on spices of 60 per cent; but the general character of the tariff was not changed, and it continues still to be very much what it was in 1868. As it now stands, it imposes duties on about fifteen hundred different articles, the average rate being about 42 per cent. The duties on cotton goods range from 35 per cent to 60 per cent; on woollen goods, from 50 to 75; on manufactures of iron and steel, from 30 to 50; and on manufactures of leather, from 20 to 50 per cent. Not only are many of the rates excessive, but the laws under which these are collected are complicated and cumbrous, and in some of their features harsh and oppressive; they not unfrequently prove a trap to the honest importer, and they are the despair of the officials who have to interpret and administer them.

While the tariff policy of the United States was gradually assuming a positively restrictive form, the policy of Great Britain in reference to its customs duties was steadily becoming more liberal and free. The work of reform begun by Mr. Huskisson and his associates, and prosecuted during many succeeding years under manifold discouragements and against tremendous opposition, reached its period of great and successful accomplishment in 1846, under the leadership of Sir

<sup>1</sup> Tea and coffee were made free by the act of May 1, 1872.



Robert Peel. Mr. McCulloch describes the British tariff as it was at the beginning of the year 1842 in language which it is interesting to compare with that just quoted from Mr. Wells, in his report on the American tariff in 1868 :—

“Hundreds of articles were loaded with duties which, while they brought little revenue into the public treasury, opposed formidable obstacles to the extension of commerce ; a host of other articles, including live cattle and fresh provisions, were wholly prohibited ; high duties were laid on various articles of consumption, and on others that were necessary to the prosecution of some of the most important manufactures ; and some most important articles, including corn, sugar, and timber, were burdened with duties imposed not so much for the sake of revenue as of protection.”

In the year ending March 31, 1879, the net income of the United Kingdom, as stated in the finance accounts, from all sources, was £83,098,735. The receipts for customs duties in the same year were £20,348,064 (nearly one fourth of the total revenue), and they were collected on the following articles : beer, coffee, dried fruits, plate, spirits, tea, tobacco, and wines. Nine tenths of these receipts came from three articles, as follows :—

Spirits, colonial and foreign . . . . .	£5,336,058
Tea . . . . .	4,169,253
Tobacco and snuff . . . . .	8,589,681
Total . . . . .	£18,094,992

The cost of collection was £962,722,<sup>1</sup> or rather more than 5 per cent.

As the result of the conflict of opinion on both sides of the Atlantic, to which passing reference has been made, the tariff of Great Britain of to-day would seem to be very much like that of Alexander Hamilton in 1789-92 ; while the tariff of the United States now in force, in its spirit and in its details, reminds us of those laws against which Mr. Huskisson, Lord Lansdowne, Mr. Cobden, and Sir Robert Peel, with their co-laborers, battled with such vigor and pertinacity, and, in the end, with such triumphant success.

Two or three years ago a good deal was said in high protectionist circles in the United States about a reaction which, it was insisted,

<sup>1</sup> The excise duties for the fiscal year ending March 31, 1879, were (net total) £27,186,021. Of this sum about eight millions came from the duty on malt, and nearly fifteen millions from the duties on spirits.

From a return made for the year 1838-39 it appears that at that time there were 147 enumerated articles on which no duty was received ; 309 articles produced less than £24 each, and 132 articles less than £240 each, while out of a total of £22,122,095 nine articles sufficed to produce £18,575,071. The cost of collecting these duties was £1,300,807.

It is noticeable that during the last fifty years, and through all the tariff changes which have taken place in this time, the annual revenues from the Custom House in Great Britain have varied but little from twenty millions sterling.

was strongly advancing in Great Britain toward the protective system, and as to the probability that an earnest effort would immediately be made at least for the adoption of the principle of reciprocity. It is not within our present purpose to discuss English affairs; but it is proper to say that Lord Beaconsfield, who rose to prominence and leadership in his party by his opposition to free-trade, has himself declared the word "protection" to be a "musty phrase;" and it is worthy of remark that although the question of reciprocity may sometimes have been mentioned of late in both houses of Parliament, no politician of any prominence, during the general election of last spring, ventured to raise the cry either of protection or reciprocity. In the political article in the "Quarterly Review" for July, 1880, we find the usual Tory sneers against the Manchester school, and the assertion is made that "free-trade forbids all sound Liberals to protect English interests against the foreigner;" but, in an elaborate exposition of what conservatism is, there is not the slightest intimation that one backward step should or can be taken towards the old-time protective and prohibitory legislation.

New England, as we all know, accepted the doctrine of even moderate and qualified protection under protest, and with many misgivings. In the tariff debate in the United States Senate in May, 1828, Mr. Webster said:—

"New England, Sir, has not been a leader in this policy. On the contrary, she held back herself, and tried to hold others back from it, from the adoption of the Constitution to 1824. Up to 1824 she was accused of sinister and selfish designs because she discountenanced the progress of this policy. It was laid to her charge then that, having established her manufactures herself, she wished that others should not have the power of rivalling her, and, for that reason, opposed all legislative encouragement. Under this angry denunciation against her the act of 1824 passed. Now the imputation is precisely that of an opposite character. The present measure is pronounced to be exclusively for the benefit of New England, to be brought forward by her agency, and designed to gratify the cupidity of her wealthy establishments. Both charges, Sir, are equally without the slightest foundation. The opinion of New England up to 1824 was founded in the conviction that, on the whole, it was wisest and best, both for herself and others, that manufactures should make haste slowly. She felt a reluctance to trust great interests on the foundation of government patronage; for who could tell how long such patronage would last, or with what steadiness, skill, or perseverance it would continue to be granted. . . . Nothing was left to New England, after the act of 1824, but to conform herself to the will of others. Nothing was left to her but to consider that the Government had fixed and determined its own policy, and that policy was protection."

Nor was the result of the protective tariff of 1824 and 1828 so entirely satisfactory as to remove the misgivings of all those who from the first had had their doubts in reference to the policy. Mr. Harrison Gray Otis, in his inaugural address as Mayor of Boston, in January, 1830, said:—



“The capitalists and merchants of this city, influenced by the strong demonstrations manifested in other parts of the Union in favor of the manufacturing policy, and by the patronage of government, and allured by fallacious estimates of great profits made by others, in violence of their natural predilections and habits have invested an undue portion of capital in manufacturing establishments. Their example was followed by those whose capital consisted wholly in their spirit of enterprise. Hence ensued a disastrous competition.”

It is impossible to deny, on a review of the whole subject, that, so far as tariff legislation is concerned, we have departed very far from the principles laid down by the fathers of the republic, and by the moderate statesmen of both parties of the last generation. The protective system, as they understood it and agreed to it, was something exceptional, provisional, and temporary. The fathers adopted this system in self-defence, and in opposition to the restrictions and prohibitions which, as we have seen, met them in all their attempts to push their foreign trade; but they never thought, so far as we can judge, of incorporating these old-time and old-world restrictions and prohibitions as a permanent feature in the national policy, much less of making them the corner-stone of that policy, as some among us now would seem to do. They would have been slow to admit that any limitation or disability on trade and commerce, or any tax or tribute on the mutual intercourse of nations, could be an absolute good, or that it could be justified except on the broadest ground of expediency, or in view of a great emergency. They had suffered too much from the colonial or mercantile system, so-called, to feel anything but repugnance for it; and we cannot believe that, knowingly or intentionally, they would have left even a modification of this system as a perpetual inheritance to those who were to come after them.

The practical question now presents itself,—What can and should be done to promote and secure tariff reform? Almost everybody allows that something should be done, but the difficulty is to decide just how and where to make a beginning. Attempts were made during the last session of Congress to deal with particular articles upon which heavy duties are levied, but without success. There seemed to be a general unwillingness to legislate in reference to the tariff, until legislation could be proposed which should be systematic and thorough, and, at the same time, moderate and safe. It is true that there were propositions before Congress which were sufficiently comprehensive in their character, but they were regarded by many as not well digested or matured. No political party, and no strong combination of political leaders, was responsible for them; no class in the community was especially concerned in their enactment; and, consequently, they received but little consideration and but little favor. Indeed it is

doubtful whether any measure, partial or otherwise, could be enacted at the present time, if it were originated in Congress. The demand for legislation on this subject, no less than the decision as to its tone and scope, must come from the constituencies, — from the people; *they* must show the precise road to be taken, and their representatives, when they see the pointed finger, will, without much delay, move in the direction indicated. But to unite public sentiment upon any scheme of tariff reform, and to make it potential, something must be presented which shall commend itself to the intelligence of the voters; something which shall be seen by them to be just to local and corporate interests, while taking into the account, and seeking to advance, the national prosperity as a whole. Where and by whom shall such a scheme be initiated?

At the annual meeting of the National Board of Trade held in New York in the summer of 1876, a resolution was adopted in favor of “a thorough revision of the tariff of duties on imports, made not in the interest of any class or classes of producers, importers, or merchants, but for the benefit of the whole people and the maintenance and augmentation of the national revenue.” In the following year, at its meeting in Milwaukee, the same Board recommended to Congress and to the President the appointment of “a commission of intelligent, practical, and thoroughly-instructed persons, for the purpose of making a complete revision of the tariff of duties on imports.” Mr. John Price Wetherill, a delegate from the Philadelphia Board of Trade, made a speech in support of this recommendation, and after pointing out some of the more glaring defects of the present tariff, said: —

“I think I have shown the necessity of going through our tariff laws, and weeding out from them the objectionable features which bristle all over them, so that we may receive all the advantage and get all the good results of a fair, equitable, and just tariff.”

The merchants of the country have thus stated clearly what ought to be done; and, in response to their appeal, a bill was introduced into and carried through the United States Senate, at its last session, at the instance and with the able advocacy of Mr. Eaton of Connecticut, providing for the appointment of such a commission as had been asked for. This bill is now pending in the House of Representatives, and it is to be hoped that it will be promptly passed there in concurrence in the session of this winter. Now that the currency question is in a fair way for permanent settlement and for being taken out of our national politics, the tariff question presses for full and fair consideration, and for a broad and non-partisan adjustment. No more time should be lost. The increased export of our domestic manufactures, which we are all so anxious to promote, and the revival of



American shipping interests, for which we have waited so long, will not come until after the revision of our tariff laws. Fortunately, protectionists and free-traders are thoroughly in accord as to the first step to be taken ; and there should be no delay in the authorization and the organization of the tribunal for which unitedly they ask. As to the character or the extent of the reform which should be attempted, we have nothing now to say. The commission should enter upon its work, not only without bias, but without the slightest suggestion from any quarter. Such men as President Hayes or General Garfield would nominate would surely be men of ability, of integrity, and of judicial impartiality ; they would be very likely to make a report which would commend itself to the sound sense of the country at large ; and, this being so, the country would require from Congress the prompt enactment of their recommendations into law.

HAMILTON ANDREWS HILL.

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## M. ZOLA AS A CRITIC.

A NUMBER of persons have written about M. Zola's novels since those much-talked-of books became famous ; but no one of his critics shows half so much zeal in the discussion of their merits or faults as is displayed by Zola himself in this volume<sup>1</sup> which is almost entirely devoted to self-defence. That he should be anxious to defend himself is not surprising, for, with the possible exception of Mr. Gladstone, he is probably the most hated man in Europe ; and the hatred of his enemies is quite as plain-spoken as is his own treatment of social matters. In this book he strikes from the shoulder at his foes, and once more expounds with great emphasis his own theories concerning the functions of the novelist, — of course, and indeed as was desirable, with special reference to his own theories and practice. The result is a most entertaining production, in which spades are called spades, and Zola's hostile critics, liars and fools.

Seriously, that Zola should plead his own cause with fervor is an excellent thing ; he is thoroughly in earnest, and he shows this at a time when sincere belief in the importance of their literary principles is doubtless not the strongest feeling of many purveyors of light fiction. Moreover he believes that he is the apostle of a great reform in literature ; and to treat a man who is at least serious in what he says

Le Roman Expérimental. Par Émile Zola. Paris : Charpentier. Boston : Schönhof, 1880.

with the current levity would be a cruel thing. He has definite ideas about fiction ; he has illustrated them in his novels ; and here he enforces them by argument. Let us consider once more what he has to say. Let us do this, too, with renewed gratitude to the intellectual fervor of France which has so long been, as it were, the æsthetic laboratory of Europe, though in it, to be sure, most of the experiments have ended in loud explosion. For while other countries have had theories which have died natural deaths, and before their death have been huddled decorously out of sight, in France each rejected theory — as classicism for example — has been deposed by a violent revolution which has almost convulsed society. Romanticism, by popular tumult, replaced classicism ; and now Zola comes along with his bottle of petroleum to destroy Romanticism.

The downfall of classic traditions in France was something of hardly more than local interest. That they should have arisen at all with their illegitimate authority was almost the result of accident. The famous laws of the dramatic unities were quite as unknown to the Greeks as to Shakspeare ; and that they should have survived the French Revolution is but another proof of the limitations of French literature which cannot fail to strike all the foreigners who study it. In England its equivalent died without a struggle ; in Germany it never had real life of its own : and neither country, not even Germany, has known anything which may fairly be compared with the excesses of Romanticism. That it is to the credit of both to have escaped them need not be insisted on.

In France, as is sufficiently notorious, a great deal of literary enthusiasm has been squandered by different writers on the defence of their methods. The most important questions have been rhetorical ones : Corneille could not write the "Cid" or "Cinna" without discourses about the best way to write a play ; we all remember Victor Hugo's prefaces in which he undertook to prove the strong family likeness he bore to Shakspeare ; and now Zola follows to prove his relationship to Balzac, on whom he heaps perpetual praise. Naturally this interest about what shall be held the best way of writing has borne good fruit, though not so much directly as incidentally in other departments of literature ; and the best French prose gives proof of the hard work which has been given in vain to French poetry. Theories have borne heavily on French writers ; Corneille's tragic stride was hampered by the weighty shackles of pedantic rules ; Victor Hugo was obliged to think quite as much of the discomfiture of his opponents as of what was probable ; and Zola, instead of giving his whole heart to his novels, has to bring forward his scheme of a new constitution for literature. These side interests are but distractions to a writer who would do better work if he thought less of his literary principles, and left the



good lessons to be learned from his example rather than from his precepts. To take an instance in our own literature, who can imagine Shakspeare writing down rules for dramatic composition; and who does not feel how immeasurably inferior is Ben Jonson's self-consciousness about his narrow methods? Equally, too, in French literature the men who have won a world-wide fame are those who have been content to let their works enforce whatever was to be taught, without troubling themselves with formal rules. Such are Rabelais, Montaigne, and Balzac; Molière, too, may be included in this list, for he accepted the current form without discussion. After all, the skilful workman is apt to be contented with his tools.

This, it may be objected by those who know Zola only in his novels, is introducing him into rather good company. One excuse is that this is but a natural result of reading Zola's book, in which he claims position with the best; and another is that if he is right he deserves a high place, if not as a novelist, yet as a sort of literary prophet who unfolds to writers the path they will have to tread to attain success. That he feels sure of his accuracy there is no doubt; and he has the good fortune of living at a time when enough of the past is studied to show that contemporary judgments are often unjust. The result of this is to create an impression that a man who is blamed while alive will necessarily be adored when he is dead; for history says nothing about those men whom posterity has agreed to leave in the neglect they received from those whose lives they embittered. Yet we can but make up our minds, wrongly perhaps, but conscientiously, from the testimony which we have; and in judging Zola's novels we must consult them rather than what he says about them, although in doing this we must remember that his theories may be right while his practice may be all wrong.

In order to avoid misrepresentation, Zola's own words will be given, translated into English. The book is full of statements of his principles in literature, and these shall speak for themselves, and define what he means by the title of the book; for as we have experimental physics and experimental philosophy, so Zola means that there is a place for the experimental novel. The investigation of natural phenomena, which inspires the present century, is, he says, gradually forcing all the manifestations of human intelligence in the same scientific direction. The idea of a literature determined by science has created some surprise, and he is anxious to remove any obscurity about it. In order to do this he takes Claude Bernard's "*Introduction à l'étude de la médecine expérimentale*," and adapts to literature what that eminent man said about medicine, winning thereby an easy victory, if only one is willing to say that what is true of medicine is true of fiction. He chose this introduction because a great many imagine

that medicine is an art like novel-writing. Claude Bernard fought all his life to make it enter the path of science. We can observe the gropings of a science which is gradually freeing itself from empiricism to moor itself to the truth by means of the experimental method. Claude Bernard shows that the method applied in chemistry and physics to the study of inorganic substance should be equally true in the study of living bodies, — in physiology and medicine. M. Zola says : —

“I shall try to prove that if the experimental method leads to the knowledge of physical life, it ought also to lead to the knowledge of the life of the passions and the intellect. It is only a question of degree, from chemistry to physiology; then from physiology to anthropology and sociology. The experimental novel is the last word.”

Zola then quotes a good many passages from Claude Bernard to show the method of applying scientific investigation to medicine by means of observation and experiment. These may be supposed to be tolerably familiar to us all, and we will pass on to the application to literary methods. M. Zola continues : —

“Returning to the novel, we see that the writer employs both observation and experiment. The observer gives the facts as he has observed them, fixes the point of departure, and establishes the solid ground on which his characters shall march and the phenomena shall develop themselves. Then the experimenter appears and conducts the experiment; that is to say, he moves the characters in a particular story to show that the sequence of facts will be such as is determined by the study of the phenomena. This is almost always an experiment, — ‘*pour voir*,’ as Claude Bernard calls it. The novelist sets out in search of a truth.”

By way of example he chooses Balzac’s “Cousine Bette,” in which that author takes for the problem to be solved the effect of a sensual temperament, like that of the Baron Hulot, on society and the family :

“As soon as he had selected his subject, he started from the facts he had observed; and then began his experiment by submitting Hulot to a series of tests, putting him through certain experiences to show how the mechanism of his passion worked. It is then clear that we have here not only observation, but also experiment; since Balzac did not keep close to the photographing of facts, but interfered directly to place his character under conditions of which he was master. The problem is to know what such a passion, acting in such surroundings and under such circumstances, will produce from the point of view of the individual and of society; and an experimental novel — the ‘Cousine Bette,’ for instance — is simply the official report of the experiment which the novelist delivers to the eyes of the public. In a word, the whole operation consists in taking the facts in Nature; then in studying the mechanism of the facts, acting upon them by modification of the circumstances and surroundings, without ever straying away from the laws of Nature. As a result, we have the scientific knowledge of man in his individual and social action.”

To the objection that we are in these matters far behind the scientific certainty of the chemist and physiologist, Zola answers that the



method is yet in its infancy. "Claude Bernard said: 'The man who makes experiments is the examining magistrate, *juge d'instruction*, of Nature.' We novelists are the examining magistrates of men and their passions." Some carping critics have said that the novelists of the naturalist school desire to be no better than photographers. Zola remarks:—

"It has been in vain that we have declared that we accept the temperament, the personal expression: they have no less persisted in answering us with imbecile arguments on the impossibility of being strictly accurate, on the necessity of arranging the facts in order to create any work of art whatsoever. Well, when the experimental method is applied, the whole quarrel comes to an end. The idea of experience carries with it the idea of modification. We start, to be sure, from real facts, which are our indestructible base; but to show the mechanism of the facts we must bring forth and control phenomena; that is the part of our invention, of our genius, in the work. . . . We should modify Nature, without departing from it, when we employ this method in our novels."

The novelist must see, comprehend, invent. A fact which he has observed ought to inspire the idea of the experiment he is to make, of the novel he is to write, in order to get complete knowledge of the truth. Then, when he has formed the plan of this experiment, he must at every moment judge the results with the freedom of a man who accepts the only facts which the phenomena require. He abandons doubt to acquire absolute knowledge; and he only feels sure when he sees the passion which he is examining acting according to fixed natural laws.

Even with Zola's abundant illustrations from the chemical and physiological laboratories, these remarks are obscure; for it will be noticed that he is far from making it clear how a writer secures absolute truth. Indeed, how is he any better off than his predecessor who wrote a novel without knowing that he was scientific? That old-fashioned person employed his observation, and then invented the machinery of his novel, introduced incidents and developed characters, both of which were, according to his light, probable and true to Nature. There is nothing so far which the naturalist school has invented or discovered, except, perhaps, that a library should be called a laboratory, and a novel a scientific experiment. Wherein does this method differ even from that of Richardson's "*Clarissa Harlowe*," or from Thackeray's "*Newcomes*," or from Miss Austin's "*Pride and Prejudice*," to take very varied examples? The authors of all these books found their facts in Nature; they studied the mechanism of the facts, — to use the jargon of the scientific method, — and they applied to them modifications of surroundings and circumstances, without transgressing the laws of Nature. So far, then, there is nothing revolutionary in the work of the naturalist school.

In the next chapter Zola quotes from Claude Bernard the statement that in time science will probably comprehend fully what it is which determines all the intellectual and emotional manifestations of humanity. He goes on:—

“We continue by our observations and experiments the work of the physiologist, who has himself employed that of the physicist and the chemist. We after a fashion pursue scientific psychology in order to complete scientific physiology; and in order to complete the evolution, we need only carry to the study of Nature and man the invaluable tool of the experimental method. In a word, we should work upon characters, passions, human and social facts, as the physicist and chemist work with inorganic bodies, as the physiologist works with living organisms. Determinism controls everything. It is scientific investigation, it is experimental reasoning, which combat, one by one, the hypotheses of the idealists, and replace the novels of pure imagination by the novels of observation and experiment.”

Certainly the analogy here is more confusing than explanatory; fortunately, however, we find an illustration at hand which throws some faint light on the darkness. Thus, the question of heredity, Zola says, has great influence on the intellectual and emotional nature of men. The surroundings, too, are of importance. Our study must be given mainly to the investigation of the reciprocal influence of society on the individual and of the individual on society. Says M. Zola:—

“This, then, is what constitutes the experimental novel,—to understand the mechanism of human phenomena, to show the machinery of intellectual and emotional manifestations as physiology shall explain them to us under the influence of heredity and surrounding circumstances; then to show man living in the social *milieu* which he has himself produced and which he modifies every day, while at the same time experiencing in his turn a continual transformation. So we rest on physiology; we take man, isolated from the hands of the physiologist, to continue the solution of the problem and to solve scientifically the question, How men live as members of society.”

With the best will in the world, it is hard to see anything of great importance in these obscure statements. Novelists before Zola have observed that human beings were influenced by the environment and by heredity, but we cannot say that their work has been of much service to science. Yet this is a practical result for which Zola hopes,—that when, by means of the work of the physiologist and the experimenting physician and the novel-writer, we fully understand the intellectual and personal qualities of man, we shall be able to direct these qualities. He says:—

“We are, in a word, experimental philosophers, showing by experiment how a passion exhibits itself in certain social surroundings. The day when we shall understand the mechanism of this passion, it may be treated, reduced, made as inoffensive as possible.”

That is to say, novels are to be written which shall illustrate our vices; legislators will read these novels instead of the obsolete blue-



books, and will pass laws on the testimony of these writers of fiction. "Thus do we compose practical sociology, and our work aids the political and economic sciences." In short, Zola and T. S. Arthur occupy common ground.

It may have already struck the reader that this talk of turning literature into a science as has been done with medicine, and this use of Claude Bernard as a stalking-horse, are both fanciful diversions of a man who has but a very vague notion of what science is, and an even dimmer sense of humor. It would really seem as if the literary man were frightened by the advance of science, and had determined to show that he was as scientific as anybody else. Meanwhile, if all that Zola says is true, lovers of fiction will have to make up their minds to read "documents;" for "the metaphysical man is dead,—our whole scene of action is transformed with the appearance of the physiological man. Doubtless the wrath of Achilles, the love of Dido will be eternally beautiful; but now we are impelled to analyze wrath and love, and to see just how the passions operate in human beings." Homer and Virgil may survive, but all the rest of literature is to sink into insignificance by the side of the experimental novels, plays, and poetry! Certainly modesty is not a marked trait of this somewhat disorderly school!

On further examination, however, the upshot of the whole business is sure to be much simpler than this pompous introduction would imply. It is after all only the moribund romantic school which Zola really hates; and when he denounces the literature of the past it is Victor Hugo he means, just as when he praises Balzac he means Zola. In a *Lettre à la Jeunesse* he makes this clear, for he takes up "Ruy Blas" and shows the emptiness of it in a way which makes one regret the hearty critic who has been lost in the manufacturer of novels. Renan, too, fares no better. With every word in denunciation of these two victims of his wrath, there are two in favor of himself and of the new school.

Probably all this comparison between literature and science is the part of his book on which Zola most prides himself, but it is not the part which others will read with the most profit or with the fullest sympathy. For one of two things must be true: either the novelist of the future must be simply an exact reporter, or he must to some extent introduce his own inventions into his books. If he does the first, novels fall into the same rank as the criminal records of the newspaper, which has at least the advantage of keeping up with the times; if he does the other, he had better steel his heart against the disappointment of finding that psychologists and others of the scientific crew will decline to accept the novelist's "documents" as trustworthy evidence. We can hardly suppose that Zola, or any member

of his school, will outdo Shakspeare, for instance, in portraying man under the influence of emotion ; hence, of what value to science can be even the cleverest inventions ? One might as well use prophecies for scientific data as expect anything of scientific value from Zola's discussion of wrong-doing ; moral value there may be, but science demands facts before everything.

Consequently Zola's long argument from the analogy of medicine may be left to answer itself. Still there can hardly be so much smoke without some fire, and one has not far to seek for the real object of his wrath. He is impatient with much which wearies the constant reader of French ; he has no tolerance of the romantic writers, he asks simply the faithful copying of Nature, — and so far he is deserving of respect. This is not saying that the man who writes a story full of imagination is wrong. Criticism has no right to say that one thing shall always be done and the other never ; although Zola may be quite right when he says that realism is the method which the literature of the present day and of the immediate future must follow. As he says, Nature should be accepted just as it is ; it is fine enough and grand enough to have its own beginning, middle, and end. Instead of imagining an adventure and complicating it with theatrical devices which gradually lead to a final conclusion, we need but record faithfully the acts of a single person or group of persons, composing thus an official report. To do this, the novel-writer must care only for "moral impersonality." One cannot imagine a chemist flying into a rage with hydrogen because that substance is fatal to life, or sympathizing with oxygen for the opposite tendency. So a novelist who is indignant with vice or approves virtue so far mars the documents which he presents ; and such intervention is as wearying as it is useless. Says Zola :—

"This work ceases to be a page of marble from the block of truth ; it is a worked-over substance into which emotion is kneaded, and emotion is subject to prejudice and error. A true work is immortal, while one that is tainted by emotion can flatter only the sentiment of a season. In a word, the question of morality may be reduced to two opinions : the idealists pretend that it is necessary to lie in order to be moral ; the naturalists affirm that one cannot be moral outside of the truth."

On these remarks he rings many changes, and his hand is much firmer here than when he argues from the outside that novel-writing is a science, like medicine. For the men who belong to the same school as himself he has warm praise, warmer than the novels themselves would seem to deserve. It is of his own books, however, that he speaks with the most earnestness. He says :—

"Every one says, ' Ah, yes, the naturalists ! they are those men with dirty hands, who want all novels to be written in slang, and choose the most disgusting subjects, from the lowest class and the most odious places.' Not at all ! you lie ! . . .



'L'Assommoir, toujours L'Assommoir !' . . . I wrote ten novels before that, and I shall write ten more. I have taken for my subject the whole of society; I have already carried my characters into twenty different social circles. . . . Do not say that I am idiot enough to wish to paint nothing but the gutter. Use your eyes ! see clearly ! Not even intelligence is needed ; judge of the facts."

For evidence of his aversion to the gutter in literature he adduces part of the "Curée," in which he described some "pretty" and "sweet smelling" things; but as Dr. Johnson said about the orchard, "If I say there's no fruit here, and there comes a poring man, who finds two apples and three pears; and tells me, 'Sir, you are mistaken, I have found both apples and pears,' I should laugh at him."

When Zola is at his best is when he is after the heart's blood of his critics, for, to use the popular phrase, he gives as good as he gets. It is to be noticed, however, that he has nothing to say about Colani's papers in the "Nouvelle Revue," in which Zola was convicted of various forms of inexactness. Then, too, he makes a few quotations from what some of Balzac's contemporaries wrote concerning that eminent author's novels; and he asks, and fairly enough, if the words might not have been written yesterday, and about somebody else? The inference to be drawn is, of course, that a writer who is treated now as Balzac was treated thirty or forty years ago is another Balzac; but the suppressed premise is this, — that all writers whom their contemporaries abuse are really great; and concerning this opinions will vary. At any rate the final verdict must be made up from the novels and not from what their author says about them.

If all that Zola says were to be accepted as absolute truth, we should be on the eve of an important change in literature; but his theories, stripped of their exaggerations, are really very simple. It makes little difference to the reader whether a writer calls his novels scientific or by some other name; without imagination they cannot live, and it is impossible that a man who has imagination should forego making use of it. Zola desires that French fiction should leave the cold fantastic ground it now occupies, and should concern itself with something more than conventional social intrigue, or than the writer's philosophical theories. He has seen Victor Hugo's imagination extolled for creating sheer melodrama, and with somewhat blind fury he asks that the imagination be forever exiled. He is not the first man of his race who has desired to have human nature altered to square with his theories; nor is he the first man whom good principles have led to exaggeration. He has that sure mark of a fanatic, — the total absence of all sense of humor; and instead of advocating reasonable notions about the danger of abandoning the observation of Nature, he says that the grand days of poetry are over, that fiction is to become a branch of the police, that all literature must enlist in the same service, etc.

There is nothing new in the main principles of the naturalist school, except this notion that they are scientific ; although in their practice they are sufficiently bold in introducing comparative novelties. Men have studied Nature with more or less success for a long time ; and when they forget this all-important rule, it is well that their attention should be recalled to it. Nature, however, is not wholly made up of what the records of a criminal court reveal, as M. Zola (p. 285) seems to imagine. But whatever one may think of his novels, much of this book will be found very entertaining reading. He is not the wisest of men, and his knowledge of literature seems extremely limited ; yet he has written a vigorous book with all the zeal of a man who knows how to hate. When one has read the volume, one cannot help wondering when, if ever, it will be sufficiently clear, if it is not now, that the imagination of a genius divines the truth which eludes even the keenest observation, and brings it home to the minds and hearts of men as no precise report can do. This talk of deposing the imagination says very little for the reformer's possession of that quality, if, indeed, it does not throw grave discredit on his powers of observation.

THOMAS SERGEANT PERRY.

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## HANS CHRISTIAN ANDERSEN.

**I**N the year 1828 so many poetically gifted youths entered the University of Copenhagen that the "History of Danish Studentship and Literature" designates it playfully as "the year of the four great and twelve minor poets." Among the "four great" was Andersen. He was in truth a great poet, though rather so in his fairy tales than in his verses. These and the fantastic "Picture-book without Pictures" are indubitably the flowers of Andersen's creations : on this ground he stands alone and unapproached. The "Märchen" and "The Picture-book without Pictures" realized in richest measure his youthful dreams of honors and happiness, for they were translated into all the principal living languages, and bore his name over the whole populated globe.

Born at Odense, on the Danish Island of Fyen, April 2, 1805, the son of a poor shoemaker, Hans Christian Andersen was the only child of his parents, and as such was not a little spoiled. Although they had to live from hand to mouth, the boy was never suffered to know want or privation. The mother reared him in piety and imbued him with the superstitions in which she herself had grown up ;



and, together with her, the boy was at times shocked at the opinions of the father, although these were very little more enlightened.

An old "school-dame," who kept a so-called "Klipp" school, taught him his letters and to read. Mrs. Andersen had specially stipulated that her son should not be beaten. When, therefore, one day he received a slap, he at once went home and demanded to be placed in another school. He was accordingly sent to the academy of a Mr. Carstens, who grew fond of the lad. When this master—who afterward became manager of the telegraph-lines on Thorseng—received strange visitors, in old age, he used to say, "You would not believe that a poor old man like me was the first master of one of our most famous poets. Andersen went to my school."

Christian's father volunteered as a soldier. It is true he soon came home again, but the fatigues of military life had shaken his constitution so that he died shortly after. The mother was now forced to work out of the house, for strangers; so that Hans was pretty well left to himself, amusing himself alone with the little theatre his father had made for him, sewing dolls' dresses, and reading eagerly everything that came in his way, especially dramas. He played Shakespeare's tragedies upon his toy boards, and also wrote a tragedy of his own, which was of course very childish. After a while his mother took him to a neighboring cloth-factory, and had him entered as a workman, in order that he might become something; but the roughness of his comrades repelled him, and he only stayed a few days. Mrs. Andersen once more married a shoemaker, who did not, however, concern himself about the education of Christian, whose mother now desired to make him a tailor, while he himself declared in favor of being either a singer or an actor; for in the first instance he had a great liking for the theatre, and further he was generally assured that his remarkably beautiful, high, and melodious voice would make his fortune. He had already sung in some of the foremost houses of Odense with great success, and had with equal fortune recited a great number of dramatic scenes which he knew by heart.

Meanwhile he had become fourteen years old. He begged his mother to let him go to Copenhagen, where he hoped to be admitted to the Royal Theatre. She long refused her assent, but relented at last, when a fortune-teller prophesied that her Hans would become a great man and Odense be illuminated some day in his honor. A portion of the Royal Troupe had played at Odense, and Christian had attended all their performances, behind the scenes; he had even figured in some of them as a page, a shepherd, or other dumb figure. He had taken it into his head that he was born for the stage, and was penetrated with the conviction that he would attain to great eminence upon the boards. Before his departure he visited the printer Iversen,

in whose house the Copenhagen actors had visited, and begged him for an introduction to the Prima Ballerina of the Court Theatre, whom Iversen himself did not know. With this letter in his pocket, and thirty marks which he had saved, the lad quitted for the first time his native town to enter Copenhagen, on September 6, 1819. The dancer to whom he forthwith went regarded him as mad on account of his appearance and behavior, was glad when he departed, and took no further notice of him. He then applied to the directors of the theatre for an appointment, but was refused. As his money was coming to an end, he resolved to become apprentice to a workman. By means of advertisements he found a place with a very kind carpenter, whom however he quitted the very next day because of the beating he underwent from the other apprentices. Half-despairing, in his isolation and perplexity the happy thought occurred to him to seek out Siboni, the conductor of the Royal Musical Conservatoire. He promised to train the boy as a singer. The composer Weyse, who happened to be at Siboni's, also took an interest in the youth. Andersen received board and money, also singing and music lessons. Unfortunately, after nine months he lost his voice, and with it all hopes of being a singer. The poet Guldberg now opened a subscription for a fixed annual sum to assist the poor lad. Besides, he received from friends of Guldberg free tuition in dancing, German, Latin, and the art of stage-acting. For the latter, however, he showed no talent. He also received, to his intense joy, a free admission to the theatre. As his voice soon regained its power and tone, the singing-master of the theatre admitted him to the chorus, in which he several times sang on the stage.

Gradually the desire after a literary career awoke in Andersen. In order to follow this it was needful that he should study, for his acquirements were very few, notwithstanding all his desultory perusal of books. It was, however, difficult enough for him to live as it was, and he led a miserable life. Whence, then, could he find the means to study? To obtain money he wrote, in the short space of two weeks, a tragedy called "The Robbers of Wissenberg," and handed it in anonymously. It was returned to him with the comment that it betrayed a want of the most elementary culture. At the same time he was dismissed from the chorus. To insure himself an income he wrote a few more plays, which of course were also returned to him, since he could not even spell correctly. Had he told his woes to his many patrons, he would doubtless have received aid; but he did not speak of them. He often expended at the circulating library the money he should have expended on his dinner. He was especially enthralled by Sir Walter Scott's romances, which opened for him a new mental world.



About this time the Councillor Jonas Collin took him up warmly. He and his whole family remained Andersen's most energetic, best, and noblest friends. Collin obtained for his *protégé* a free entrance to the Latin School at Slagelse, and a stipend from the king for several years' study. Andersen entered this school in October, 1822. After three years the rector was removed to the Latin School at Helsingör. Christian followed him thither, but received such harsh treatment from him that Collin recalled the youth to Copenhagen and had him privately educated.

Already, before going to school, Andersen had written verses ; but during his school-years, at the wish of his patrons, he had almost given up this occupation. In the capital, however, his poetical desires once more asserted themselves. The famous poet, Heiberg, the husband of the no less famous actress, Johanna Luise Heiberg, printed Andersen's poems, "Evening" and "The Hour of Awe," in his literary weekly paper, "The Flying Post." They were issued anonymously. The poem of "The Dying Child" appeared both in "The Flying Post" and in "The Copenhagen Post." The poems were greatly liked, but when the name of the author transpired, people refused to admit that he had any particular poetical gift.

In September, 1828, Andersen entered the Copenhagen University, and about the same time published his first book, — "A Pedestrian Tour from the Holmens Canal to the Easternmost Point of the Island Amager." In this production the influence of E. T. A. Hoffmann's manner was very strongly marked. Soon this influence gave way to that of Heine, who, next to Sir Walter Scott, influenced him most. Since every publisher thought it too risky to issue the "Pedestrian Tour," the author had it printed at his own expense. His daring was rewarded ; for within a few days a second edition was required, which was now undertaken by the publisher Reitzel, afterward the publisher of his collected works. This attained even a third edition, and a Danish reprint appeared in Sweden. It was soon followed by Andersen's heroic vaudeville, "Love on the Nicolai Steeple ; or, What says the Parterre?" written in rhymed verse, — a satire on the Fate tragedies. It was acted with great applause. These two successes filled the poor ambitious youth with joy, but in nowise induced him to neglect his studies. On the contrary, he passed his *examen philologicum et philosophicum* with honors. Only then did he throw himself without restraint into the arms of his Muse. He first wrote humorous poems. He also made preparations for writing a novel, — "The Dwarf of King Christian II.," — but did not execute this project. About this time he fell in love with a girl, for whose sake he determined to abandon literature and study theology, in order to enter the Church. But his beloved bestowed her affections on another, whom

she married. Andersen, on the contrary, notwithstanding his great leaning to and regard for family life, remained unmarried till his life's end. The literary results of this period of self-delusion were the poetical collection, "Fantasies and Sketches," and the serious vaudeville, "Parting and Reunion," — a poetical version of his own love-story, which was not acted till some years after.

We now reach the travelling period in Andersen's life. This lasted from 1831 to 1874. Our poet felt that travelling was his best school, since it brought him new and shifting impressions, which he needed for his literary productions. Travelling was to him, according to his own expression, a refreshing bath, from which he always issued mentally rejuvenated and strengthened. As soon as the spring appeared his travelling desires awoke with irresistible force; and, as often as he could save the requisite sum, he gave way unreservedly to this his passion. If he could not go abroad, he would at least make further excursions in Denmark. From 1831 to 1874 he spent, on an average, half of every year out of Copenhagen. With the exception of Russia, he travelled in all the countries of Europe, — several times in many of them. To Germany he went at least forty times. The finest and happiest side of this changeful and rich wandering life he beheld in the fact that it gave him the opportunity of knowing and re-seeing a large number of famous and great people. Thus, for example, he knew personally most of the European rulers, authors, and artists of the last fifty years. His opinions concerning these people, and his relations to them, he has recorded at length in his "Romance of My Life." Indeed, this extensive autobiography is chiefly made up of detailed accounts of the author's travelling experiences.

Andersen left his native country for the first time in the spring of 1831. This time he only went to Lübeck, Hamburg, Brunswick, Dresden, Halle, Berlin, and up the Brocken. The result of this journey was a book called "Shadow-pictures of My Journey to the Harz and Saxon Switzerland." The reception given to this book, as to previous works by Andersen, showed a disposition on the part of the Copenhagen press to emphasize Andersen's literary faults and weaknesses without giving due weight to his excellences, — a disposition which remained in force a great many years, even when Andersen was already highly esteemed abroad.

From 1829 to 1839 Andersen was dependent upon his pen. At that time newspapers did not pay for contributions, and publishers remunerated but meanly. Besides, incessant production of original work would have been too exhaustive. For the sake, therefore, of change and profit, Andersen began to translate some plays for the Royal Theatre, and to adapt opera librettos, such as "The Raven" (after Gozzi) for the composer Hartmann, "The Bride of Lammer-



moor" (after Scott) for Bredal, and "Kenilworth" (also after Scott) for Weyse. These librettos, all of which were duly performed, were unsparingly criticised by the press. Andersen was even attacked on their account in anonymous letters. This did not, however, deter him from publishing, in 1832, a new series of poems, — "The Twelve Months of the Year," — which were highly valued by later critics, but which contemporary ones disparaged. In "The Letters of a Dead Man," by Heinrich Hertz, appearing at this time, our poet was also severely handled, which did not hinder him from soon issuing another volume, "Vignettes of Danish Poets," which found imitators, although the press either ignored or censured it.

In the year 1833 the King of Denmark accorded to the wandering poet a travelling stipend to extend over two years, which made it possible for him to spend nearly all this time in Germany, France, Austria, Italy, and Switzerland. In Paris and the watch-making town of Locle he wrote his dramatic poem, "Aquete and the Merman," which was but coolly received at Copenhagen, even by his friends. These even advised him not to write for a while, or at least not to publish. An eminent Danish literary journal declared that he must be erased from the list of Danish poets. His friends almost despaired of his poetic gifts; they asserted that they had been mistaken in his talents. Years after "Aquete and the Merman" was produced upon the boards with various alterations, but soon disappeared from the theatrical *répertoire*.

Andersen was especially charmed with Italy, with whose natural and artistic beauties he was deeply impressed. Rome, where he associated much with his great countryman Thorwaldsen, plunged him into an enthusiasm of which the results are embodied in his novel, "The Improvisatore," begun there, continued at Munich and Copenhagen, and issued in 1835. He had come to Italy to see it, not to depict it; but the picture forced itself upon him, and he has done it in a large style. But the bad impression against his Muse produced by his "Aquete and the Merman" was so strong that he could scarcely find a publisher for "The Improvisatore." Even his present publisher would only undertake to print it after subscription. Yet the book became so popular with the public that new editions were soon required; and the same is true of its translations into English, German, French, Dutch, Swedish, Russian, and Bohemian. Many of Andersen's literary opponents now conceived a better opinion of him; but in general the Copenhagen critics thought fit, even with regard to this beautiful work, to dwell upon its defects and to glide lightly over its merits.

Some months after the appearance of "The Improvisatore" Andersen issued the first instalment of his "Märchen" (1835). These

were received most unfavorably, and he was universally advised not to waste his time with such childish things. He was further told that he had no talent for writing "Märchen," not to mention the fact that these were not suited to our times, with other like criticism. In consequence he abandoned this style of writing for a time, and next wrote the well-known novels "O. Z." (1836) and "Only a Fiddler" (1837). "O. Z." was very successful with the public, but the press held back its praises. "Only a Fiddler" is the outcome of the struggle waging in Andersen's soul between his poetical nature and the ungenerous attitude of native criticism. It also was much read, but without thawing the critical ice. "It was a persistent casting down of all that was good in me," he himself said of this matter. If, nevertheless, he did not lose courage, it was because he derived consolation from the approval which his works met with at the hands of the German press. In "Only a Fiddler" he had turned into a touching romance a great part of his own youthful life. The character of Christian, its hero, and his adventures resemble closely those of Andersen.

For "The Improvisatore" he had received barely a hundred dollars. From this time forward the scale of his remuneration rose steadily. But incessant literary production was not good for him, and he therefore tried to obtain some post, such as librarian. Failing in this, he often suffered privation; yet he never applied for help save to one person, Collin, and even to him only in the direst need. Radical aid came when an influential friend obtained for him from the king a poet's pension of two hundred and twenty-five dollars yearly, which after a few years was raised to three hundred and fifty, and later to five hundred and twenty-five dollars. He was less fortunate in his dramatic activity. His later attempts to get his dramas played at the Royal Theatre were defeated by the inimical attitude of the censor, Molbech. He therefore wrote for the Summer Theatre the vaudeville "The Invisible One at Spfögo" (1839), which obtained the favor of the public in such high measure that the Court Theatre directors admitted it in their *répertoire*, and gave a long series of representations of it. Yet for all that he could not get "Rafaelle: or, the Moorish Girl" (written 1840) performed at all, and "The Mulatto" (1840) was only put on the stage after much difficulty. The last-named drama met with great success, and many placed it above all else that Andersen had written up to this time. Happening to stay at Lund about this time, the students of that university prepared for him a grand ovation, which, as the first public one he had received, remained unforgotten to his life's end.

In 1840 appeared also "The Picture-book without Pictures," — perhaps the most popular and most read of all his books. An Eng-



lish critic very happily called it "an Iliad in a nutshell." Danish criticism left it unregarded. Even then the prophet was of no account in his native land! In the autumn of the same year Andersen entered upon a nine-months' journey to Germany, Italy, Malta, Turkey, Greece, Hungary, and Austria. The adventures and impressions of this long journey were described by him after his return in his book, "A Poet's Bazaar" (1841), which was widely read, but censured in the pettiest manner by the press. The same critics also tore to pieces his play, "The Bird in the Pear-tree," received with great favor at the Court as well as at the Summer Theatre.

Andersen could not go abroad every year. When he could not, he often paid long visits at those estates whose owners he knew personally, and to whom he was a welcome guest. At the castle of Mysöe he came into long and intimate connection with Thorwaldsen, also staying there as a guest, and grew to love him tenderly. Next year new savings once more enabled him to make a trip through Germany to Brussels and Paris. After his return he entered into a friendship with Jenny Lind, whom he had known before, and of whom he often speaks in his autobiography with great reverence. He was to see her again later, very often, in various lands and capitals. No less hearty was his friendship with Frederika Bremer, the Swedish novelist, whom also he much admired. In the spring of 1844 he offered to the Royal Theatre a fairy drama, called "The Flower of Happiness." Heiberg was at this time the literary adviser. Once Andersen's protector, he was not now well-disposed towards him, but was angry with him for some unexplained cause. He therefore refused this, as well as a second play by our hero. "The Flower of Happiness" nevertheless attained to the boards. In order to circumvent further refusals, Andersen sent in his next two plays — "The New Lying-in Room," and "The King Dreams" — anonymously, and, behold! they were accepted, and met with great favor.

We have seen how coolly the first instalment of his fairy tales was received in 1835. Yet the material for new stories of the kind pressed in upon him in the course of time, so that he could not resist working them into shape. His liking for this form of composition grew; it became more and more clear to him what might be done in this field, and the recognition of his own powers enlarged with time. It is seen from his "Remarks on the Origin and Development of My Fairy Tales," that the majority of them were his own invention. They lay like seeds in his thoughts; it merely needed a tendency — a sunbeam, or a drop of wormwood — to make them spring forth into bloom. Soon it became impossible for him to abandon this line, and the result of his perseverance was that his mighty talent for these compositions was soon universally acknowledged. Thus it came about that, besides the

numerous works which he wrote year after year, he issued almost yearly, up to 1873, a small volume of three or four "Märchen."

Invited by Charles Dickens, whom he loved much, to visit him at Gad's Hill, near London, Andersen repaired thither in 1857. He counted his long stay under the roof of the great novelist among the most beautiful days of his life, and he has described it in detail both in "The Romance of My Life" and also in the sketch, "A Visit to Dickens," contained in his book "From Heart and World." From England he went to France and Germany. From 1860 to 1863 he once more travelled in Germany, Italy, Switzerland, France, and Spain, whence he made an excursion to North Africa. In Paris the resident Scandinavians gave him a splendid *fête* in the Palais Royal. He also received many other ovations upon his travels. Altogether the man who had suffered so much from the critics of his native land, and who was scarcely tolerated upon the Danish Parnassus, had become in the course of time a world-famed genius. A younger generation of critics had arisen, who judged more lovingly the eminent author who had done so much to heighten the fame of Denmark, and who knew better how to estimate him.

After his return in 1863 he issued his travelling description, "In Spain," and wrote two comedies, — "He is not Born" for the Royal Theatre, and "Upon the Long Bridge" for the Casino Theatre. In 1865 and 1866 he once more wandered through Sweden, Germany, Holland, Belgium, France, Spain, and visited Portugal for the first time. In the next six years we often find him in Germany, France, Switzerland, Austria, Holland, Belgium, and Norway. He was wonderfully attracted by the Paris Exhibition of 1867, to which he went twice. His impressions are embodied in "The Dryad." Within the next years he wrote the stories "The Godfather's Picture-book," "Peiter, Peter, and Peer" (1868), and "Lucky Peter" (1870), as well as the travel-book "In the Jura Mountains" (1868). In 1867 the king nominated him Councillor of State, and his native town presented him with its freedom. On this occasion the prophecy was fulfilled, — that one day Odense would be illuminated in his honor. Upon the invitation of the town corporation he went to Odense, — which, however, he had been in the habit of visiting frequently, — and for a whole week was the hero of splendid ovations. Still more festive did the first week of September, 1869, prove for Andersen, being the fiftieth anniversary since he had come, a poor lad, from Odense to Copenhagen. In both towns this jubilee was celebrated with great festivities and with splendid signs of honor. From abroad, too, came proofs of sympathy.

In 1869 he continued his autobiographical "Romance of My Life," and brought it up to 1867. From that time forward he did not continue



it, and it has remained a fragment. This book is most interesting, and reads in parts like a fairy tale, in parts like a novel; and reflects the frank, *naïve*, good-natured, cordial, benevolent, vivacious, excitable nature of Andersen. It also reveals clearly his curious mixture of modesty and independence, combined with a craving after recognition and a desire for the favor of the great. We learn thence by repeated examples that our author was never able to become indifferent to an unfavorable criticism, — not even when he had already gained the admiration of the whole civilized world. One day he discovered that his travelling-companion, a grandson of Jonas Collin, was reading a book by the well-known Danish philosopher, Sören Kierkegaard. This put him in a bad temper; for since Kierkegaard had noticed his novel-writing habit unfavorably, he felt embittered against him, and it really vexed him seriously that young Collin should admire this author's writings. Andersen's nature, indeed, was rather emotional than strictly intellectual. This weakness is explained by the fact that his sad youth had furnished him with all the forms of mental torture which a good, honest, talented nature has to endure when it sees itself condemned to involuntary dependence owing to poverty and low birth. Thence it arises that in his autobiography he speaks in so much detail and with so much bitterness of the unfavorable notices to which his person and his works were exposed. In the same way can be explained another weakness of the once so poor and lonely, later so great and famous, Andersen; and this is his great susceptibility to outward signs of recognition. In proportion as unfavorable criticism impressed him painfully, so was he delighted with favorable notices; and he loves to dwell upon them often. He attached a childishly exaggerated value to titles, orders, and the kindly expressions of good-will towards him received from various European rulers whom he knew personally. The gracious manners of highly-placed personages excited him to superlative expressions. His *naïve* self-cultus is often carried too far in his autobiography. He further had a sort of half belief in an intercourse with departed souls, was very timid in some things, and not wholly free from a fear of ghosts.

In the autumn of 1872 he began to be seriously ill. To regain strength he went, in April, 1873, in company with the young author Bögh, to Germany for four weeks, and then to some Swiss baths. After a renewed stay of some weeks in Germany he returned to Copenhagen at the end of July, more dead than alive. He went to the villa "Rolighed" (Rest), belonging to his friends the Melchiors, where for years two rooms, with a veranda and a view out upon the Sound, had been at his disposal. This worthy family tended him with the most loving and self-sacrificing care, unhappily without effecting any improvement in his condition. But he found a consolation for his con-

dition in the numerous visits which he received from the king, the crown prince, and the notable men and women of his country, as well as in a re-perusal of his correspondence. This was exceedingly extensive, but must not be published till 1885 on account of a clause in his will. In the evening he had letters read to him, when he would often be overcome by awakened memories of past times. On such occasions old unrecorded incidents would recur to him, which he would recount very dramatically, — for, indeed, not only in his books, but verbally, he was a good story-teller. His best printed travels were not to be compared to his oral reminiscences of wanderings. While a circle of intellectual listeners surrounded him, his descriptions flowed like an improvisation and almost unconsciously from his lips. His features, not really beautiful, would now etherealize, his eyes would beam with life, and his always beautiful, coaxing intonation of the Danish language would become modulated according to his theme, so that it would attain an almost musical sound.

The time for evolving “*Märchen*” was past for Andersen. Only short poems were now inspired at times by his Muse. When he could write no more “*Märchen*” he put them together with the scissors. He made a screen which he divided into six portions, each representing a country, on each of which, in an artistic mode and spirit, he pasted little pictures to form a complete whole. This screen, six feet in height and ten in width, was an artistic production. “To judge by this specimen,” said Lobedauz, “I do not doubt but that if Andersen had chosen painting for his career he would have become a great master after the manner of Kaulbach.” After Andersen’s death, the screen, at his desire, passed into the possession of his noble nurse, Frau Melchior. The construction of the screen was founded upon Andersen’s unusual talent for cutting pictures out of paper. With astonishing rapidity and without any effort he cut fantastic patterns, — arabesques, flowers, animals, and human figures. He particularly loved to cut swine, butterflies, and dancers standing upon one leg. An innate talent for drawing evinced itself, which, however, he had never cultivated. It had once stood him in good stead during his first stay in Rome. He had not money enough to buy views, etc.; he therefore drew everything which he wished to impress upon his memory.

Andersen now soon grew unable to visit his friends; he heard no music; writing, even noting down brief data for his diary, tired him, and he could not visit the theatre. This last circumstance pained him most. Daily he would insist on seeing the play-bills, and his frequent theatrical visitors kept him posted in all theatrical matters. He knew how to make his rooms so pretty and comfortable that it would have been possible to write a fairy tale about them. It gave



him great pleasure to sit at the window and watch the movements of the ships in the harbor. When next spring the old love of wandering revived in him, he took it as a good sign. His condition making a journey into foreign countries out of the question, he visited the estates of Holsteinborg and Bregentved. There his health visibly mended, but his Muse, to his great annoyance, still deserted him. After his return to the Villa Rolighed, on the 9th of August, the improvement worked by his change soon vanished; and to his former ills was added an excessive nervousness. Gout increased so that he could hardly walk; fever, too, began to show itself. Gradually the conviction was borne in upon him — how reluctantly he made up his mind to believe it! — that he had become an old man. “That one should have to drag about such an old envelope,” he said, “when in one’s heart one feels so young!”

The more his pains increased, the more irritable, depressed, and impatient he grew. The reception of visitors began to be irksome to him; if, however, the conversation interested him, he would suddenly revive, and then it is said to have been wonderful to see how his intellectual vigor triumphed over the weakness of his body. In such cases he spoke much and well. The Hungarian traveller, Dr. Max Nordau, who visited him at this time with a letter of introduction from Auerbach, notes, regarding his outer aspect, in his book, “From the Kremlin to the Alhambra,” — “Andersen was a tall, haggard figure, of the strong, broad build that characterizes the island Danes. His beardless face — then pale and suffering — expressed much gentleness and kindness. A strongly modelled, prominent nose and a broad, high forehead were, so to speak, contradicted by a mouth and jaw of rare softness. The most remarkable thing about his head was certainly the eyes, — true childlike eyes in the face of an old man, pale blue eyes, full of frankness, trust, and honesty. I do not think one could have looked into those eyes without loving their owner with one’s whole heart as soon as he looked at you so openly and lovingly.” Andersen said to Nordau: “Suffering for a year and a half, I yet feel quite well in spirit, young and vigorous. If only I could but regain a little strength, I would begin to work again. I want to tell the story of my life down to the present time. But do not think that I should do so to recall the attention of the world to myself; I only want to thank so many people for the love and kindness which they have shown me, and I long to express this feeling.” This craving could not, however, be realized. For all his ills, he did make it possible to revisit the theatre several times. His continued interest in this as well as the poems he wrote during the last months of his life, prove that he retained to the last his full mental powers. He also, up to a week before his death, daily wrote some lines in his diary,

which however may not yet be published. Further, he read a good deal, especially works on Oriental history. On the other hand he took a great dislike to writing and receiving letters, though formerly he had been the most industrious correspondent imaginable.

Already at the beginning of 1875 a subscription was opened for a monument to Andersen, to be placed in the Royal Castle Gardens, where hundreds of children play daily. We do not think it ever happened to any other poet that it was proposed to erect a statue to him during his lifetime. And, moreover, in the same Castle Gardens in which Andersen, — how times change, and how strange the freaks of chance! — half a century before, when things went very badly with him, used to hide in order to eat unseen a piece of dry bread. Old and young, rich and poor, took part in this subscription. A little girl who was crying piteously was one day asked by her schoolmistress why she was so distressed, and replied, "It pains me that I have not yet got anything to give to the Andersen Statue." Four plans were sent in, but Andersen disliked them all. He did not hesitate to make known this feeling, and after his death the committee rejected all four plans, and entrusted the execution of the statue to the sculptor Saaby. The foundation-stone was laid in July, 1879, and the inauguration took place June, 1880. Another touching proof of the great honor which he universally enjoyed came to him shortly before the starting of the monument subscription. He received a letter from a child in New York, with a dollar and a cutting from a newspaper, in which the youth of America were invited to "pay off their debt to their old friend," and to collect a sum for his old age. Soon after he received the news from a lady in America that all her children were working industriously to make money for him. It was evidently thought that he was in want. When he explained this error in American papers, a copy of the voluminous and splendid work, "Picturesque America," was bought for him with the money already collected. The chest in which it was sent to him arrived just on his seventieth birthday. This day — April 2, 1875 — brought him many ovations and honors. Several deputations waited upon him; in the Royal Theatre a festive performance took place; the King of Denmark and Grand Duke of Weimar decorated him; a memorial tablet was inserted into the house at Odense where he was born. Andersen swam in happiness. But the excitement and exertion of the day had exceeded his strength, and it was some time before he could recover. In May he longed once more to be roaming, as of yore; he wanted, above all, to go to Switzerland, and made all manner of plans. In June he removed to the Villa Rolighed, where, as ever, he was carefully tended by the Melchiors. Nothing could come of his travelling schemes, since he was barely able to leave his room. Nevertheless, a month before his death he had his trunk



packed, and ordered new clothes, a new travelling suit, and two hundred visiting cards. He also planned to build a villa that should be a very fairy house, built in the Moorish style; in the garden there were to be the busts of Thorwaldsen and of famous poets, and among them he would sit and compose. "Believe me," he said, "that would lead to something."

All these fair plans had to remain unrealized, for on Aug. 4, 1875, Andersen departed this life. One of the wreaths sent to his funeral bore the inscription: "Thou art not dead, even though thine eyes be closed; for in the children's hearts thou livest forever."

Ay, indeed, he will live forever in his fairy tales and his stories. These utterances of Andersen's innermost being will keep his memory ever green. When he died millions of readers wept for him, — readers into whose souls he had brought light and sunshine. Scarcely a second contemporary author has obtained such a wide-spread audience as he, — an audience which, as Strodtmann remarks, includes "the children's world of all lands of the Indo-Germanic languages, from the highest peaks of Norway down to India, and from the smoke-blackened huts of Dalecarlia to the iron merchant-palaces of San Francisco."

As often as Andersen dined out during the last forty years of his life, he would, after dinner, read aloud one of his "Märchen." His Danish pronunciation was very beautiful and attractive, but his voice was weak, though not tuneless. He put life into his heroes, men, animals, and inanimate objects; as, for example, the tin soldier, the darning-needle, the doll, the collar, etc. When he read his tales in German, his foreign accent gave to them a childish *naïveté*, which explains why the ladies especially were enchanted with his German recitations. He has been accused of vanity because he never tired of reading his stories again and again. An excuse should be made for him in the fact that he was much too good-natured to resist the petitions of those to whom his readings gave pleasure. He particularly liked to read aloud anything newly written. He himself, in his own excuse, once brought forward another reason besides the above: "When I have written something, I often read it aloud to others to find out what can be altered in it. Then I go home, re-write it, read it aloud again, and alter and alter until I say to myself that I cannot make it better."

Andersen, like most of the Danish authors of the nineteenth century, was influenced by the German romanticists. In his travels, poems, and dramatic works he always followed in the footsteps of E. T. A. W. Hoffmann and Heinrich Heine too closely to render his works of enduring value. Some of his dramatic poems — such as "Ahasuerus" and "Aquete and the Merman" — were decided failures;

for in them, as Strodtmann rightly remarks, "his fantasy ran away with him." His novels, on the contrary, possess a real value. Their great and unique charm consists in their truth and warmth, in their evident subjective character. In his novels Andersen depicts vividly and touchingly his own youthful recollections and the struggles of his talent with the bitter and Philistine prejudices of his surroundings. If his productions on this field are measured with the measure of ordinary novel-writing, we must certainly admit that the action is poor, the artistic invention weak, the psychological development scanty. The life of childhood is handled with a master's touch, but we miss the later evolution into ripened manhood or womanhood. Andersen's heroes only grow up as regards years, while as regards soul, intellect, and will they remain all their lives helpless, irresolute children.

Andersen's best literary productions remain his "Märchen." The peoples of most lands have listened reverentially to these. The touching "Tale of a Mother" paved the way for the Indian missionaries to introduce Christianity. Our author has done endless good by his heartfelt, tender tales. Through them he has glorified not only his own name, but that of his fatherland. Their rapid and universal circulation may be largely ascribed to the fact that from the beginning he made it clear to himself that he wrote for a definite public,—for children. Thus the choice of the simplest and most *naïve* themes, as well as a simple treatment and language, were a necessity. Together with this, however, the poet could give the reins to his fancy; for a child's imagination is also boundless, and believes everything that is not beyond the pale of its horizon. In order to find the right key for children's tales, Andersen had merely to follow the dictates of his own childlike soul. Therefore he succeeded in attaining to a cheerful, gentle, optimistic view of life which corresponded to the nature of every unspoiled, healthy, and therefore sanguine child. He does not assume the presumptuous, pedagogic tone into which many writers for the young are apt to fall, and yet he works more healthily upon the mind of the child, more educationally, and more ennoblingly than all instructive moralizing. The high, artistic finish in the form of his stories, and their complete harmony of treatment and matter, bring the result that every grown-up person reads these charming tales with delight, though their author did not write them for this public. He lets the creatures of his imagination feel, speak, think, and act exactly as their nature requires; we will only indicate the stork who describes Egypt, the cockchafer in "Little Thumb," the darning-needle, the tin soldier.

Andersen's fairy tales stand midway between the "artistic märchen" of the romantic school and the German "Volksmärchen," such as the Brothers Grimm have collected. The *märchen* that were written



in the last quarter of the last and the first third of the present century — those of Musæus, Hauff, Tieck, Brentano, Fouqué, and Eichen-dorff — were written ostensibly for a non-naïve public, that enjoyed the multicolored play of fantasy, but carried on, so to speak, a frivolous game with *naïveté*. Andersen, on the contrary, took hold of his materials with solemn piety. Himself a childlike soul, he chose children as his public, and told them those sweet fairy tales to which they listened with belief and faith and deep interest. And how grateful were these little ones! How often did he receive touching proofs of their love for him! Concerning this may be read many a charming passage in his “Romance of My Life.”

LEOPOLD KATSCHER.

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## FICTION AND PUBLIC LIBRARIES.

THE vast increase in the quantity of novels and stories for young and old, published during the past twenty-five years, is notorious. They pour from the press in books, magazines, and newspapers of every size, price, and variety, in numbers defying computation. Babes in arms have their story-books and papers, their “Nursery” and “Baby-land.” The street *gamins*, like the school-boys, have their organs, as it were, filled with tales suited to their habits of thought and life. For the classes which prey upon society, as well as for society itself, there is provided reading with which to while away the intervals of crime or business. From the dime novels, and stories far below even these, to “Daniel Deronda,” from the “Boys of New York” and the “Police Gazette” to “Harper’s” and “Scribner’s,” the works of fiction are to be found in the hands of all alike, — the young and the old, the rich and the poor. The causes of this increase are not far to seek. The education which in Great Britain and in this country is now given to nearly every person has added enormously to the number of those who read merely for amusement, and of those also who find their principal amusement in reading. Never before have there been so many who, engaged in purely manual labor, turn almost instinctively for their recreation, at the end of the day, to a book or a paper. In greater proportion, possibly, even than the number of readers is the increase in authors arising from this universal education. A generation ago comparatively few showed ability to write, and fewer still made a profession of authorship. Now, in the smallest community, there are probably one or more persons either amusing their leisure hours by writing, or earning a livelihood by it. From

this calling none are debarred save by absolute incapacity. A quire of paper, a pen, and a bottle of ink constitute abundant capital for a trade which can be prosecuted anywhere. The production of light literature, being the easiest form of literary work, is naturally preferred by the great majority of writers, while fame and money come more speedily and surely from a successful story than from anything else in literature. Another cause for this increase lies in the nature of novel-reading, since the perusal of an interesting or exciting story fosters the taste for more, until frequent indulgence begets an insatiate appetite, encouraging novelists and editors to more and more rapid production of the coveted fruit.

The cause with which I am now chiefly concerned, however, is the great ease with which novels and stories are obtained, especially by children. They are not only cheap to buy, but it is an important consideration how far the public libraries are responsible for their circulation. In discussing this point I propose to examine the subject in relation to a single institution, which may very properly stand as a type for all, — the Boston Public Library; which I select, not only because it is the largest and most widely known library in the land, upon the model of which others have been in great measure formed, but also because I have had for some years an intimate personal acquaintance with it. This library was originally founded to serve a special aim, — “to aid and encourage,” says Edward Everett, one of the first trustees, “the acquisition of the knowledge required to complete a preparation for active life or to perform its duties.” The principle early laid down in regard to light literature was this : —

“That it was not the design of the judicious and public-spirited citizens, who as members of the City Council in years past, or at the present time, have liberally appropriated the public funds to the foundation and support of the library, to have it become the means of gratuitously supplying to a class of idle readers the unprofitable, not to say pernicious, trash which is daily pouring from the press.”<sup>1</sup>

Light literature was not, however, to be excluded from its shelves, but the aim was —

“To get good novels in such quantities as to supply the demand for them after their value has been fairly ascertained, and it had become known that they were not of mere ephemeral interest; but to avoid filling the building with books which, after a few weeks, would be recognized as the most worthless and neglected trash: to furnish, in short, so far as their resources permitted, everything of tried worth, in as many copies as people would call for.”<sup>2</sup>

To what extent, then, has this library, originally administered on such principles, been a purchaser and circulator of this kind of literature? From the tables annexed to the annual reports of the trustees

<sup>1</sup> Annual Report for 1857.

<sup>2</sup> Ibid. 1866.



I find that out of 14,950 books bought during the past five years for the Lower Hall, — the popular department of the Central Library, — 10,417, or 70 per cent, were story-books, technically called "fiction" and "juveniles." This, however, by no means represents the whole amount purchased, since it includes only those stories published in book-form and not those printed in periodicals and magazines, of which great numbers are taken. If the books for the eight branches were purchased in the same proportion, as is probable, though the reports give no information on this point, then the library has during this period been a purchaser of about 40,000 story-books. During thirteen years, out of a total of 101,021 volumes bought for the Lower Hall and Branches, nearly 70,000 were stories published in book-form. It should be added that a very considerable number of novels, principally in French, have been placed in the Bates Hall, which are not included in the above figures. After deducting the large number of volumes which have been used up or lost in the service, there remained on the shelves on May 1, 1880, probably over 50,000 volumes of novels and story-books; and this number increases from year to year, so far as I can determine, in about the proportion of one third of all the books purchased.

The next question is, To what extent are these books read? In determining this we are not obliged to have recourse to proportional estimates; for the averages are clearly stated in the appendices to the reports. During the past five years there have been circulated from the Lower Hall and Branches 4,872,595 volumes. Of these 3,824,938 were "juveniles" and "fiction." To this number should be added, as before, the stories contained in the magazines and periodicals, and the very considerable number of novels not classified under "fiction." If the proper corrections were made, I believe it would be found that four millions, or four fifths of its popular circulation, was under rather than over the number of volumes of novels and story-books circulated by this library alone in five years. It should be remembered that even this does not represent the whole number of readers, as each book may be, and often is, read by more than one in the same family or house. This is the work of one library only, and one which from the beginning has sought the public confidence and support on the ground that the circulation of light literature was not to be its principal work. What the other public libraries, scattered over the United States to the number of five thousand at least (there are about three hundred in Massachusetts alone), have done and are doing, it would be difficult to say with any degree of exactness. In the last report of the Boston Public Library I find this assertion:

"So far as the statistics of popular lending libraries have been printed, it is believed that the average loan of works of this class ('juveniles' and 'fiction') seldom falls below 75 per cent of the total issues."

This being true, the aggregate of the annual purchase and circulation of novels and story-books by these institutions will amount to several millions, the public libraries of Boston, Cincinnati, and Chicago alone circulating every year about a million and a half.

In the light of these figures there cannot be the shadow of a doubt that the public libraries are largely responsible for the alarming increase of poor novel reading. They furnish a supply of this literature in quantities almost unlimited; and they furnish it mainly, so far as my observation goes, to the very last class to which it should be given, — the school-children. Every boy and girl in Boston, over fourteen years of age, has free access to a collection of story-books amounting in the aggregate to 50,000 volumes; and a very large proportion make frequent use of the privilege. That is, at an age when the intellectual tastes are being formed and it is of the greatest importance to secure good reading, there are almost thrust into the hands of these children novels and stories of the most miscellaneous character, in numbers absolutely appalling. Forty years ago Dr. Arnold, of Rugby, wrote:

“Childishness in boys, even of good abilities, seems to me to be a growing fault, and I do not know to what to ascribe it, except to the great number of existing books of amusement, like ‘Pickwick’ and ‘Nickleby,’ Bentley’s Magazine, etc. These completely satisfy all the intellectual appetite of a boy, which is rarely very voracious, and leave him totally palled, not only for his regular work, which I could well excuse in comparison, but for good literature of all sorts, even for history and poetry.”

What would he have thought of a public “educational institution” which, in a single city, furnished these books of amusement at the rate of nearly a million of volumes a year, largely to children?

I pass now to a consideration of the character of the works of fiction which are being produced at this time. The largest class of the story-readers are the young, or those whose minds, from lack of the highest education, are similar to those of the young. It is not, therefore, to be expected that they can enjoy the delicate delineations of character, the fine weighing of motives, the skilful adjustment of circumstances which are essential to a story of the first rank. The quiet pictures of home-life, of life in foreign lands or in historic times, however carefully studied and truthfully painted, are too tame and spiritless to find favor with them. Their interest is almost exclusively in novels of incident, in which one exciting event follows another in rapid succession. This kind of story, however, is of the lowest class, and its tendency is inevitably downward rather than upward. The ordinary relations of our every-day life are soon exhausted by the novelist, and new and extraordinary relations must be discovered or invented. There must be strange combinations of events and startling circumstances in order to satisfy the novel-reader’s craving. Now it is unquestionably



in the records of the follies and vices of men, in the annals of crime, that these qualities are to be found in the greatest abundance ; and it is to these records, therefore, that the hard-pressed novelist almost inevitably turns in order to find the materials for his stories. The more truthful his delineation of vice, and the nearer his approach to the bounds which separate the indecent from the decent, the greater he finds his chance of pleasing that vast public which demands sensational literature. The temptation to win favor by this means — a temptation increased many-fold by the unprecedented success of such a book as Zola's "*L'Assommoir*" — is one which an author struggling for a mere living finds almost impossible to resist. Then, in the great and continually increasing number of authors, there are only a few who, under the most favorable circumstances, could produce first-class work. The great majority are only capable at their best of doing moderately well ; but their best work, the fruit of hard thought and labor, they soon find unremunerative. The light, sensational novel, which requires little or no thought in the reader and brief time for the writing, has a far greater chance of success ; and who can wonder that the choice is quickly made ? " I know I am shallow," says a character in a recent story — "*Lord Brackenbury*" — who is helping out her husband's meagre income by novel-writing, " and I don't expect to be read by any but those who are as shallow as myself. Thank Heaven ! however, their name is legion." The low price which is paid for the work of all except a few writers tends also to affect unfavorably their character ; and the rapid production, which is partly owing to this cause and partly to the keen competition between editors, publishers, and writers, has a still more deleterious effect. A successful novelist of the present day is urged by his publisher or by his own necessities to ceaseless production. A novel each year is now a moderate measure, which many writers greatly exceed. But the works which are written, as a French critic says of Henri Gréville's latest story, with telegraphic rapidity, rarely sustain a high grade of excellence, but tend constantly to deteriorate.

What effect have the public libraries had in this respect ? Has their influence been favorable or unfavorable to the production of good novels and stories ? In answer to this question I have but one remark to make. The public libraries do not buy, as most private individuals do, having particular reference to the subject and character of the books bought. The interest or dulness of a story, the opinions or beliefs which it advocates, its moral or immoral tendency, — all these considerations have their weight with the private purchaser. The public libraries, however, are actuated by such considerations only very slightly, and steadily less and less as the libraries grow larger. Having to suit all tastes, they buy almost without question

whatever a well-known novelist chooses to write or a reputable publisher chooses to publish. They do not wait till a competent judgment is passed upon a new work, but they put it into circulation as soon as possible after it comes from the press. The result of this is that a large class of writers and publishers of established reputation are absolutely sure of selling to the libraries a considerable edition of whatever work they produce. For instance, if one only out of every five of the public libraries in this country should buy a single copy of a new story — the Boston Public Library buys on the average ten copies — this would make a sale of a thousand copies, — no insignificant number for a publisher to count upon. Now the effect which this purchase of so many pages of reading matter, entirely irrespective of subject or merit, must have upon the quality of the production is evident. It is very much as if the manager of a theatre were guaranteed by the city government that a certain number, say five hundred, of his seats should be paid for out of the city treasury for every representation, whatever the character of the play or the ability of the actors. The play might be "Hamlet," with Booth in the title-rôle, or it might be the veriest rubbish ever put on the stage, the seats would be taken and filled all the same. As it is inevitable that under such conditions a powerful motive with the manager for presenting good and well-acted plays would be very much weakened, so is it now with these writers and publishers, by reason of the assistance afforded them by the patronage of public libraries. The pressure upon them to produce good work in order to secure a large sale is not nearly so strong as it would be if the public libraries did not exist. For the libraries purchase good, bad, and indifferent alike; and since the popular demand is largest for the poorest class of stories, they actually buy more of the bad and indifferent than of the good. In other words, the public libraries practically subsidize authors and publishers for the purpose of giving amusement to the people. An influence, however, which tends to produce a subsidized literature is inevitably unfavorable to its character.

These two facts are to my mind well-established. There has been a vast increase in the quantity of the stories and novels annually printed, and at the same time there has been a marked descent in their quality. Of course, among so many, there will naturally be a few of high rank; the great majority, however, are in their most harmless state only intended to amuse an idle hour, and at the end of this time are thrown aside to swell the vast rubbish heap of literature. What is the number of those which are not of this innocent character, but are either immoral in tendency or direct panders to vice, I will not dare to estimate. To give an idea of what the ordinary novel of the day is, I will take from a leading English literary journal, the



"Spectator," which happens to lie on my desk as I write, the notices of the novels for the week. They are seven in number. The first has for a heroine a woman who confesses that under certain circumstances she would set love above law. The hero is created to show in what a very refined way he can fall in love with another man's wife. The object of the book is to introduce some very indifferent scoffs at religion and religious people. The next is a dull story, not wholly free from vulgarity. In the third there is a horrible element. The heroine of the fourth marries a madman, and finally earns her living as a sempstress in the village of which her son, grown to manhood, is the proprietor. The fifth is a dull story, full of improbabilities, the greatest of which is that the hero writes a successful epic. The sixth is a melancholy, tedious story; and the last might do good if any of the people whose foolishness it satirizes could by any means be induced to read it. Not one of the seven, judging from the notices, are of the slightest value, or seem destined to be remembered the day after they are read. Another class of stories, very popular at the present time, I find characterized in a recent number of the "Athenæum" in these words:—

"There is no sensational infraction of the seventh commandment, no lively description of the *demi-monde*, none of that peculiar flavoring which renders this author's work so palatable to a certain class of readers."

Now the stories noticed by the "Spectator" and the "Athenæum" are presumably intended for the educated classes. If they are as a rule of such a character, poor indeed must be the hundreds of stories which, not deemed worthy of mention by literary journals of the first rank, are yet read eagerly by untold thousands.

The public libraries, therefore, seem to be largely responsible both for the growth in quantity and the falling off in quality of the novels and stories produced at this time. They buy and circulate them in enormous quantities, thereby at once creating the demand and furnishing the supply. Their method of purchasing, also, being without regard to the merit or value of the books bought, tends to depreciate the quality. What is the remedy? Shall the public libraries be prohibited from buying and circulating novels and stories? I will answer frankly that this is the conclusion to which I have come after years of close observation of those persons who frequent the Boston Public Library in such great numbers. I do not believe that it is the proper business for the city to furnish amusing literature to the people free of expense. This is the province of the private circulating libraries. Were the chief part, or even a very considerable number of those who throng the Lower Hall and Branches afternoon and evening, poor persons, who must either have their reading free or go without it, the

question would assume a different aspect ; but in fact they appear to be principally persons in apparently comfortable circumstances or the children of well-to-do parents. This being the case, I see no more reason for giving these children and adults novels to read, than for distributing to them cigars and candy at the public expense. It would be an absurd waste of money, to say the least, if the city, instead of establishing soup-kitchens to which the needy could come in times of great want, should open expensive restaurants in various quarters, at which all, rich and poor together, should receive free, not merely plain and wholesome food, but all kinds of highly-seasoned and injurious dishes. Yet wherein does this differ from placing for the public use, in different parts of the city, large collections of novels and stories, good and bad, some wholesome and some with a "peculiar flavoring"? To this same conclusion, I believe, would the original founders and promoters of this library have come, could they have foreseen the huge proportions which the circulation of "fiction and juveniles" has assumed in late years. Joshua Bates, to whose munificence the library almost owes its existence, has left no doubtful testimony on this point. His great purpose in aiding to found the library, he writes, was to "save those who, left to themselves, [would] waste their time in railroad literature, chiefly American novels. These publications are doing immense mischief, and the rising generation will grow up destitute of positive knowledge." With them also would agree, I am convinced, all thoughtful parents and teachers, to whom the character of the reading put into their children's hands is a matter of great and constant anxiety. They would gladly see the principle established that the province of a public library, so far as children and youth are concerned, is to do educational work, and that the free distribution of novels and stories is not educational work even in the remotest sense of the term.

If, however, it should not be thought best to adopt this extreme principle, still the very least which can be demanded of the public libraries is that the managers should exercise a strict supervision over their purchases of fiction. The rule quoted above, on which the Boston Public Library was administered fifteen years ago, — to buy novels of "tried worth" only and "after their value has been fairly ascertained," — was a good one, but it was abandoned long ago by that institution, as a glance at its catalogues and reports will show. The newly published novels and story-books are sent in from day to day by the agent. No competent person reads or even carefully examines them to judge of their character, but they are bought in numbers as great as the funds permit, and sent into circulation to fulfil their mission. Whether this mission be good or bad the heads of the library are absolutely ignorant. Under such a method it is inevitable that representatives



of every class of stories, from the highest to the lowest, should be purchased. For instance, the writings of the author who is represented by the "Athenæum" as winning favor with the public through "lively descriptions of the *demi-monde*" are to be found in large numbers in the library. There are five copies of the story noticed in the "Spectator" as attacking marriage and religion. By what right should citizens be taxed to buy and circulate freely among other citizens an assault upon that which the majority of the citizens hold most sacred? Above all, why should our children be exposed to the dangers resulting from reading such a story? It is to be had for the asking, and there is nothing in the catalogue to warn them of its character. It is no worse, however, probably not so bad, as many hundreds of its companions on the shelves of the library. For, educational though the aim of the institution has been supposed to be, it contains, I am assured, a larger proportion of books of a thoroughly debasing character than any other library in the land. Now, of course, a public library in a large city should contain books upon every subject, the attacks upon as well as the defences of Christianity; but it ought neither to buy nor to circulate, especially among the young, books which, under the guise of stories, instil pernicious doctrines, subversive of sound morals.

In this connection one fact should never be lost sight of, — that a public library can exert a tremendous influence for evil as well as for good. It has the power to poison the minds of the youth of a whole city. There is not a wicked or mischievous doctrine which it might not effectively propagate, not a crime which in all its details it might not make familiar to every child, — not necessarily from any deliberately bad intent on the part of its officers, but through the simple want of a proper supervision of the books bought. Under the system of purchasing which has been in force for many years in the Boston Public Library, a book of the most immoral tendencies may circulate for years without its character being detected by those who alone have the power to withdraw it from circulation. To lock it up then, however, does not undo the mischief which it has wrought during its freedom. This instrumentality for evil would be vastly increased if, by any chance, a person of loose principles or a taste for immoral literature should ever be placed in a controlling position in a library. It is useless to talk of restrictions on the use of such books, for my experience is that a book once admitted to a library is always more or less read. Consign it to the lowest depths of some "inferno," and it will surely be discovered and asked for on any pretext save the true one, — a love for prurient literature. The knowledge that certain books are in a library will always attract a class of readers who will use every possible means to get at what they wish, — a class whose pres-

ence in a place of public resort is a constant peril to the young and pure-minded. The last report of the Boston Public Library contains the account of an attempt on the part of the librarian directly to assist "in the work of education" by sending to one of the public schools fifty copies of a certain story for "simultaneous reading" and "class examination." Now it is certainly conceivable, though I admit it is highly improbable, that by such means there might be introduced into a school a story glorifying an infraction of the seventh commandment by persons holding advanced views on this and kindred subjects. Though this supposition is a terrible one, yet it should be distinctly understood that every one of the children in our public schools, above fourteen years of age, can have scores of similar stories from the Public Library by simply asking for them.

The sole remedy for this state of things, so long as public libraries continue to circulate novels and stories, is to establish a rigid censorship over all works of this class. Not a novel nor a story-book should be bought nor allowed to go into circulation until it has received the approval of one or more persons, specially appointed for this purpose, who shall have read them and pronounced them fit to be put into the hands of any child. Misbehavior on the part of such an official could hardly go long undetected. The effect of this plan would be threefold. The libraries would receive only carefully selected books; the public would be restricted to the reading of wholesome novels; authors and publishers would be made more cautious as to what they write and publish. If, for instance, it were known that a certain story had failed to receive the approbation of the Board of Censors of the Boston Public Library, that book would be stamped with such a public disapproval as would prevent its sale to the other public libraries and to that part of the general public who desire to purchase only good literature.

My principal object in this article having been simply to show the connection of the public libraries with the literature of fiction, I have not dwelt upon the dangers attending an excess of novel-reading, especially for the young. This has been done sufficiently well and often to allow me to take it for granted that the injurious effects are well known. I wish, however, in conclusion to lay stress upon the fact that from the vast multiplication of this class of literature, and from the ease with which every one has access to such works, these dangers are now much greater and more far-reaching than at any previous time. Where one was injured by overmuch novel-reading a generation ago, possibly there are a hundred now. Not only may this be true, but as the number of vicious stories has increased, I believe, in greater proportion than the innocent and harmless, so much the greater is their influence in confusing the ideas of right and wrong,



in loosening the bonds of social order and morality, in undermining the principles, and in leading to actual crime. Now I would not be thought to charge the public libraries as a class, or any one of them in particular, with freely and deliberately disseminating the lowest grade of the literature leading to such results. My charge is that they create a demand for this literature by circulating such stories as I have referred to, which under a thin veil of decency are indecent, and, under the pretence of faithfully portraying life, attack religion and morality. Few young persons can read these exciting tales of crime, these "lively descriptions of the *demi-monde*," without having the desire awakened to read still more exciting stories, still more lively descriptions, than the public libraries furnish. That such a taste when once formed can readily be gratified is only too well known. Were the public libraries throughout the country to cease circulating stories and novels, I am confident that the labors of the "Society for the Suppression of Vice" would in no long time be greatly lessened; and the demand for the literature which it endeavors to destroy would be gradually diminished by the drying up, as it were, of the most fruitful source of the evil.

JAMES MASCARENE HUBBARD.

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## MR. TENNYSON'S NEW VOLUME.

UNLIKE his great rival, Mr. Browning, who is constantly putting forth fresh poetic fruit, and whose literary fecundity seems to grow with his years, the poet laureate rarely gratifies his admirers by the publication of a new volume. It is well known that all which comes from the pen of Mr. Tennyson is the result of laborious effort. The gem is set and reset, polished and repolished, ere the artist thinks it fit to be submitted to the cynosure of the world. Mr. Matthew Arnold somewhere speaks of the feverishness and haste which mark the life of the nineteenth century; but Mr. Tennyson is one, at least, who lives removed from the stir and the strife. Not that he fails to hear the world's voices, for he has shown in "In Memoriam" (a poem in many respects his masterpiece) that he can gather up the threads of speculative thought and weave them into a fabric as noble as it is beautiful. But in the midst of a busy, bustling world, he lives the life of an ideal poet,—absorbed in his creations, and careful only for his future fame. Such is the poet to whose labors we have hitherto been accustomed; but in his seventieth year we suddenly witness a new

and strange development in his genius. The volume just issued, "Ballads and Other Poems," exhibits Mr. Tennyson rather as the poet of the people than the singer of Mediæval lays, or the artist of "The Palace of Art," "Ænone," and "Godiva." As we look through the list of his new lyrics, we come across no more than two or three poems, at most, which have not some direct bearing upon the present age, or which are not descriptive of its aspirations, its sufferings, and its hopes. So far this is well; and yet we dare not venture to say that, as a whole, the volume is worthy of the author of the "Idylls of the King," or that it adequately sustains his fame. There is nothing in it which can compare with the magnificent fragments of song written by Mr. Tennyson in early life, — fragments, I mean, such as the "Morte d'Arthur," "Ulysses," and the "Lotus Eaters." We shall hear probably, in certain quarters, that these ballads are equal to any lyrics that he has written; but such a judgment grows out of the indiscriminating readiness to accord praise to a distinguished man, and will surely not endure the severe test of time.

Many of the poems do not now appear for the first time. • Among these is "The Revenge: a Ballad of the Fleet," which is perhaps the finest in the whole; though even in it I do not think that Mr. Tennyson has excelled Gerald Massey's lyric on the same subject, — "Sir Richard Grenville's Last Fight." Let the reader, who is inclined to differ from me, place the two side by side. But let us turn to the ballads which are new. "The First Quarrel," dealing with an Isle-of-Wight tragedy, is very graphically written. A husband and wife fall out respecting some earlier love-passages of the former. The wife sends him from her with bitter words, and these lines will show the cause she had for a lifelong repentance: —

"He sent me a letter, 'I've gotten my work to do;  
You would n't kiss me, my lass, an' I never loved any but you;  
I am sorry for all the quarrel an' sorry for what she wrote,  
I ha' six weeks' work in Jersey, an' go to-night by the boat.'

"An' the wind began to rise, an' I thought of him out at sea,  
An' I felt I had been to blame; he was always kind to me.  
Wait a little, my lass, I am sure it'll all come right —  
An' the boat went down that night — the boat went down that night."

A fine touch of pathos is achieved by the repetition of these last six simple words. "Rizpah" is a ballad strong in the emotional element, and rather after the type of ballad with which Mr. Browning has of recent years familiarized us than any of the poet laureate's own previous lyrics. A dying woman unburdens herself of the tragedy of her life to a lady visitor. She had a darling son Willy, who was hanged for robbing the mail. Yet his crime appears to have been but a venial one, judging from his mother's statement of it: —



"It's kind of you, madam, to sit by an old, dying wife.  
 But say nothing hard of my boy, I have only an hour of life.  
 I kiss'd my boy in the prison, before he went out to die,  
 'They dared me to do it,' he said, and he never has told me a lie.  
 I whipt him for robbing an orchard once, when he was but a child —  
 'The farmer dared me to do it,' he said; he was always so wild —  
 And idle — and could n't be idle — my Willy — he never could rest:  
 The king should have made him a soldier, he would have been one of his best.  
 But he lived with a lot of wild mates, and they never would let him be good;  
 They swore that he dare not rob the mail, and he swore that he would;  
 And he took no life, but he took one purse; and when all was done  
 He flung it among his fellows — 'I'll none of it,' said my son."

He was hanged notwithstanding; for those were times when offences against property were punished with a barbarity which seems now scarce credible in Christian England. The miserable mother had visited her son in his prison-cell, but the jailer forced her away even before she could hear his last words. After his shameful death the poor woman stealthily recovered his bones, and buried them in the night by the churchyard wall. The closing stanzas are very dramatic: —

"Election, Election and Reprobation — it's all very well.  
 But I go to-night to my boy, and I shall not find him in Hell.  
 For I cared so much for my boy that the Lord has look'd into my care,  
 And He means me, I'm sure, to be happy with Willy, I know not where.

"And if *he* be lost — but to save *my* soul, that is all your desire:  
 Do you think that I care for *my* soul if my boy be gone to the fire?  
 I have been with God in the dark — go, go, you may leave me alone —  
 You never have borne a child — you are just as hard as a stone.

"Madam, I beg your pardon! I think that you mean to be kind,  
 But I cannot hear what you say for my Willy's voice in the wind —  
 The snow and the sky so bright — he used but to call in the dark,  
 And he calls to me from the church, and not from the gibbet — for hark!  
 Nay, you can hear it yourself — it is coming — shaking the walls —  
 Willy! — the moon's in a cloud — Good-night. I am going. He calls."

"The Northern Cobbler" is a different kind of ballad, somewhat in the style of "The Northern Farmer" of our author, but it is also very effective. The story is of the simplest. The cobbler, or shoemaker, had given way to drink, and in one of his mad moods had kicked the woman of his affection, — an act which filled him with remorse when sober. But the deed brought him to his senses, and, by way of burning it indelibly into his memory, he set before him, and kept always within his sight, a bottle of gin, — symbol of that spirit by which he had been betrayed. The conversion gave much ground for comment (not unfrequently spiteful) through the whole countryside, but the cobbler speedily demonstrated that the change in him was genuine.

Friends whom he had lost in his days of drink-madness again turned to him, and his trade revived. The whole piece is written with spirit and energy, though the general reader will be considerably puzzled by the curious and uncouth northern orthography. "The Sisters" is a poem in the earlier manner of Mr. Tennyson; and it deals with a case of self-sacrifice not wholly new to readers of fiction, where a woman stifles her love in order not to cross that of her sister, betrothed to their common lover. After telling his story, the husband thus concludes the tragic recital:—

" My God, I would not live  
Save that I think this gross, hard-seeming world  
Is our misshaping vision of the Powers  
Behind the world, that make our griefs our gains.

" For on the dark night of our marriage-day  
The great Tragedian that had quench'd herself  
In that assumption of the bridesmaid — she  
That loved me — our true Edith — her brain broke  
With over-acting, till she rose and fled  
Beneath a pitiless rush of Autumn rain  
To the deaf church — to be let in — to pray  
Before *that* altar — so I think; and there  
They found her beating the hard Protestant doors.  
She died and she was buried ere we knew."

Such an imperfection as occurs in the last line but one is a very unusual thing with Tennyson.

The poem from which I have just been quoting contains two brief lyrics, which are the most exquisite things in the volume. They are worthy of the songs in "The Princess," and I can give them no higher praise. Here they are:—

" O diviner Air!  
Thro' the heat, the drouth, the dust, the glare,  
Far from out the west, in shadowing showers,  
Over all the meadow baked and bare,  
Making fresh and fair  
All the bowers and the flowers,  
Fainting flowers, faded bowers, —  
Over all this weary world of ours,  
Breathe, diviner Air!

" O diviner Light!  
Through the cloud that roofs our noon with night,  
Through the blotting mist, the blinding showers,  
Far from out a sky forever bright,  
Over all the woodland's flooded bowers,  
Over all the meadow's drowning flowers,  
Over all this ruin'd world of ours,  
Break, diviner Light!"



This is the real Tennysonian mood, — the suggestive union of natural with moral things. But yet here there is no new revelation. That the world wants “more light,” as Goethe said, is apparent to every man in this generation, albeit the day is breaking rapidly. But the poet has given forcible and beautiful expression to that which is the universal aspiration. We come occasionally upon other good thoughts, tersely rendered. For example, the old village wife, in the poem of “The Entail,” says:—

“ I beänt that sewer [sure] es the Lord, howsiver they praäy'd an' praäy'd,  
Lets them inter 'eaven eäsy es leäves their debts to be paäid.”

But of all the ballads, none will probably be a greater favorite than the one entitled “In a Children's Hospital,” being the story of a little patient, Emmie. It is strangely beautiful and pathetic:—

“ Here is the cot of our orphan, our darling, our meek little maid ;  
Empty, you see, just now ! We have lost her who loved her so much —  
Patient of pain, though as quick as a sensitive plant to the touch.  
Hers was the prettiest prattle, it often moved me to tears ;  
Hers was the gratefulest heart I have found in a child of her years.  
Nay, you remember our Emmie ? you used to send her the flowers ;  
How she would smile at 'em, play with 'em, talk to 'em hours after hours !  
They that can wander at will where the works of the Lord are reveal'd  
Little guess what joy can be got from a cowslip out of the field ;  
Flowers to these ‘spirits in prison’ are all they can know of the spring,  
They freshen and sweeten the wards like the waft of an angel's wing.”

One day the doctor announced to the nurse that he should be compelled to perform an operation upon the little sufferer, and he feared she would not live through it. Emmie, who was supposed to be sleeping, had heard what passed:—

“ Softly she called from her cot to the next,  
‘ He says I shall never live thro' it. O Annie, what shall I do ?’  
Annie considered. ‘ If I,’ said the wise little Annie, ‘ was you,  
I should cry to the dear Lord Jesus to help me ; for, Emmie, you see,  
It's all in the picture there : “ Little children should come to me ”’  
(Meaning the print that you gave us — I find that it always can please  
Our children — the dear Lord Jesus with children about his knees).  
‘ Yes, and I will,’ said Emmie ; ‘ but then if I call to the Lord,  
How should he know that it's me ? such a lot of beds in the ward !’  
That was a puzzle for Annie. Again she consider'd and said :  
‘ Emmie, you put out your arms, and you leave 'em outside on the bed —  
The Lord has so *much* to see to ! but, Emmie, you tell it him plain,  
It's the little girl with her arms lying out on the counterpane.’ ”

Could there possibly be a more moving picture of child-nature than this ? And the end is equally touching. When the doctor came on the morrow to see the child, she was found with her thin little arms lying out on the counterpane, — but she was dead ! This little idyll

will deeply affect many a heart, and thus perform an act of true philanthropy.

"The Defence of Lucknow," "The Battle of Brunanburh," "Achilles over the Trench," and other poems have already been published in periodicals. The poet laureate, however, will not add to his fame by the republication of "The Human Cry." It may have a profounder meaning than that which appears upon the surface, but if so, the knowledge of it is strictly confined to the poet himself. To me there seems not a shadow of the poetic element in it, while it has certainly no subtle thought to make up for the absence of this element.

Mr. Tennyson certainly does not appear at his best in this volume. We do not behold the same vigorous imagery, the same felicity in the use of metaphor and simile, which distinguished his work at an earlier period. Let any one turn, for example, to the exuberance and richness of fancy to be found in such a poem as "The Princess," and he will be astonished to observe how comparatively bald the present ballads appear. And yet they are excellent work; and some of the poems could not have been written by any other living poet. Mr. Browning is the laureate's superior in breadth and subtilty of thought, and also in dramatic strength and vision; but he lacks Mr. Tennyson's art, and his simple and direct music. If I seem not to speak with pronounced enthusiasm of the present volume, it is because I remember the work which Mr. Tennyson has done in the past,—work which is the delight of his own generation, and must equally be so of future generations. Our great lyrical poet had a perfectly magical touch in his early lyrics, and these he has never excelled in any class of effort. He is not by nature a dramatic or epic poet, but a singer; and this word suffices to show where his greatest triumphs have been won. One thing, at least, each new volume by the poet laureate proves,—the firm hold which he has obtained upon his contemporaries. Probably no poet ever succeeded in a like degree during his lifetime, unless it may have been Byron; and even his popularity, though great at times, was fluctuating and spasmodic. But Mr. Tennyson's fame burns with a pure and steady flame; and if he has passed the period of his best work, that is no reason why we should allow for a moment that which he has done in the past to sink into the background.

GEORGE BARNETT SMITH.



## OUR MERCANTILE MARINE.

WE have in Washington what is called a "Bureau of Statistics on the Commerce and Navigation of the United States." Every year a great duodecimo volume of a thousand pages is published at that office on matters relating to what its indefatigable collator, Mr. Nimmo, who lives in a world of figures, styles "foreign commerce." The editor annually prefaces his arithmetical array with a jeremiad upon the "decadence of American commerce." He was brought up in the school of Mr. Boutwell, under whose *régime* the special committee of Mr. John Lynch was appointed by Congress to investigate the cause of this decadence, and to suggest means to correct it. The absurdity of that measure was apparent at the time. Any intelligent observer could see that the difficulty was not to be overcome by such means as that committee would be likely to propose. But the whole truth is to be deduced from these tardy admissions of Mr. Nimmo, which would have been as true ten years ago as they are now. He says: "The nation which can build and operate vessels most cheaply must eventually secure the principal share of the carrying trade in our foreign commerce." He is forced to add: "This has taken place, and the fact is clearly recorded in the statistics of tonnage herein presented."

I shall not wade through the immensity of his figures, but shall only select from them such as are sufficient for my purpose:—

"The tonnage of the United States, employed in foreign trade on June 30, 1879, was 1,451,505 tons; it being steadily on the wane, and having decreased in the last year 137,843 tons. During the year 1856 the tonnage of British vessels entered at seaports of the United States from foreign countries was less than one third of the tonnage of American vessels entered; but during the year ending June 30, 1879, the tonnage of American vessels entered was less than one third of the tonnage of British vessels entered."

So much for our foreign carrying trade. It is impossible to tabulate separately the ship-building for our foreign and coastwise trade, but it should be well understood that but for the coasting trade we should virtually build no vessels of any class whatever. Altogether, on the coast, rivers, and lakes, there were built in 1879 193,031 tons,—a decrease from the previous year of 49,861 tons. Of that tonnage eighty-eight per cent was of wood; of the tonnage built in the last five years only 97,872 tons have been of iron, while in Great Britain, during the same period, 1,937,710 tons of iron and none of wood have been built; and while our docks are crowded with iron sailing ships of British build, in the grand summary for the United

States there figures one solitary sailing ship of 1090 tons. Yet Mr. Nimmo, true to his old prejudices, expresses the same hope which he and his school expressed ten years ago, — that “the intelligent and persistent efforts which have been put forth by American ship-builders in the construction of iron vessels, chiefly for our home trade, will ultimately enable them to compete with foreign ship-builders in supplying vessels for our trade with foreign countries.”

This same prediction was made in 1870, when “investigation” first began, since which time we have paid twelve hundred million dollars in gold, which in this interval has ranged at a high premium, to foreign ship-owners for carrying our freight and passengers, and to-day we are more in their power than ever before. We have done this under the plea of “protecting home industry,” “fostering American ship-building,” and from a sentimental regard for the American flag, which our laws forbid us to hoist at the peak of a foreign-built ship, while on our Independence Day it waves over ten thousand grog-shops, retailing mixed foreign and domestic liquors all over the land. Long ago we declared our independence of England, partly because she insisted upon bringing us two cargoes of tea in her own ships; and now we submit to our dependence upon her, and actually insist upon her bringing to us in her own ships almost every pound of tea and of everything else which we consume. In short, while we imagine that we are protecting ourselves we are protecting her in a way with which she is abundantly satisfied. The profit she would derive from selling us some of her ships is infinitesimal compared with her gain from our refusal to buy them.

I have stated the case as concisely as possible, because, unlike many who have their theories upon this subject, I do not think it necessary to take the reader back into history, and, beginning with the building of Noah’s ark, to come down through the ages, noting the style of the Phœnicians and of Solomon in marine architecture, the length and breadth of beam of the Roman and Carthaginian galleys, the xebecs of Barbary, the galleons of Spain, and so on to the more symmetrical hulls and rigs of England, from which our own were copied. Nor is it necessary to search the ancient laws pertaining to navigation, although, until the time of Cromwell, we should search them in vain for an instance of the barbarous and suicidal system of protection of which the United States now stand alone in all the world as an exponent. It is enough to observe that within the quarter of a century which has passed an entire revolution in ship-building has taken place, that wood has given way to iron, and sails to steam. These are facts with which we find ourselves face to face. It matters not how they came to be facts. Nobody outside of a congressional committee of investigation will dispute them, or will recommend bounties



and subsidies for wooden ships with as much chance of succeeding in such a backward revolution as there is of stopping the turning of the world by a handspike. Equally impracticable is it, while we live under a tariff system, which may or may not be advantageous for the development of home industries, to go on from year to year losing all our carrying trade in an effort to contrive some way whereby to build ships with costly labor and costly materials as cheaply as they can be built where these drawbacks are not in the way.

While confessing a belief in the doctrine of free-trade, so far as it is compatible with the collection of a sufficient revenue for the expenses of government, it is my purpose to show that the repeal of our antiquated navigation laws should commend itself to the consideration of those who in all other respects may be strict protectionists, inasmuch as the admission beneath our flag of such ships as we require for competition with foreigners will not interfere with any branch of American industry. If, as has been shown by Mr. Nimmo, we in fact do not build ships, what home industry shall we injure by buying them? On the contrary, if protection of American industry means anything else than a merely nominal protection of American ship-builders, is there not an opportunity for its exercise in calling into activity a larger number of ship-owners and seamen, whose occupation has been taken away from them by our mistaken policy? Nay, more; it must be clear that this very interest of ship-building, now comparatively idle and almost non-existent, trembling lest what little it hath shall be taken away from it, would be benefited by the introduction of foreign-built ships, upon which the business of repairing alone would be greater than that of building now is.

Therefore the appeal is made to free-traders and protectionists alike,—to the whole American people. As an illustration of the last proposition, let us call to mind the history and present status of the carrying trade of Germany. Formerly, of course, it was all done in sailing ships, chiefly under the American flag. When the change from wooden sailing ships to iron steamers was taking place, it would have been an easy thing, had our laws admitted it, to have transferred our American officers and crews from the vessels that were no longer available to those which were coming into use and which we might have bought. Thus, having already the nautical prestige, we should have retained that valuable trade.

At that time there was not a machine-shop or a building-yard for iron ships in either of the two great ports of Germany—Hamburg and Bremen. They possessed a few small ships and barks in the foreign trade, but most of their tonnage consisted of galliots and fishing-smacks which navigated the North Sea, and it is doubtful if they had a dozen captains and officers who were qualified to take the command

of a steamship. But they had something which we had not,—the liberty to avail themselves as best they could of the new improvement of the age. They were quick to seize upon it. They went to the Clyde and ordered steamships to be built; they educated their coasting and fishing skippers to the standard required for commanding these, and then they took to themselves the whole transatlantic steamship business, out of which our Government defrauded its long established commercial houses, its educated shipmasters and hardy seamen,—numerous classes, who certainly got no “protection.” The Germans still keep that trade, and each succeeding year increase it, until their flag is known in every considerable seaport on the Western continent as well as in the Mediterranean and the isles of the Indian and Pacific Oceans. What an impetus has been given by our supineness to the commercial prosperity of Germany! And have the ship-yards of Hamburg and Bremen suffered any loss thereby? Thousands of people besides the owners and crews of these steamships have been benefited; and to-day there are some of these thousands employed in ship-yards and machine-shops there, which would not have had an existence but for the liberal policy of the German Government. In these establishments, first made necessary for repairing the fleet purchased for the use of their commerce and the employment of their seamen, they now have begun the building of iron steamships, gaining experience by their opportunities for acquiring knowledge in mechanical construction, and thus setting an example from which we might profit. Does this not show that if competition had added its stimulus to American ship-builders, notwithstanding all the drawbacks undeniably in their way, they would have made far greater progress?

But this German trade which we have lost is nothing in comparison with the folly of ousting ourselves from the pre-eminence which we had attained in competition with England. Who with gray hairs does not remember the famous Liverpool and London “liners,” which, before the era of steamships, did all the carrying trade between those ports and New York? Who of us does not remember those thoroughbred sailor-gentlemen who commanded them? To reach that envied position was the highest ambition of every lad who entered the merchant service with a will to work his way from the fore-castle to the proud eminence on the quarterdeck.

What has become of these men? Dead, many of them, by the course of nature, but not till after they had found their occupation destroyed by their paternal Government; and they have no successors. Could not they have commanded steamships with as much ability as the English shipmasters who were trained to that business and who come daily to our ports? Where is the business of the great houses



of Charles H. Marshall, Grinnell, Minturn, & Co., Boyd & Hincken, and many others who were as well able to manage a steamship line as any of the agents of the numerous British companies? The splendid fleet of clipper-ships which made their racing voyages around Cape Horn and the Cape of Good Hope have disappeared, as indeed they must have done when their mission was ended; but their places have been taken by British steamers, which bring us the produce of the Indies and of China through the Suez Canal, when the change might have taken place for the benefit of the men who owned and commanded those old queens of the ocean instead of for the advantage of Englishmen. In that canal the American flag is never seen. The numerous ships, barks, and brigs which we once had in the South American and Mediterranean trade are no more. The coffee and fruit are brought to us in British steamers, and so again our seamen are thrown out of employment. In short, the whole carrying trade of the ocean has passed — no, it has been thrown — out of our hands for the exclusive benefit of foreigners.

Why has all this come to pass? In order, forsooth, that ship-builders who do not build ships might be “protected”! Let it be considered that, even if such measures as we have adopted could have protected ship-building, yet that industry is insignificant compared with ship-owning and ship-sailing. Whatever profits the ship-builders might make, if their business were upheld by bounties, yet how little would it be compared with what the nation would save, if it could keep for itself the one hundred and twenty million dollars which it now annually remits to Europe as freight money due to foreigners. In all congressional debates — and it must be admitted these have been few — touching this great national interest there has been exhibited a most astonishing ignorance of the meaning of words. Commerce, ship-building, and the carrying trade are always taken to be identical. In the very outset of investigation, ten years ago, that special committee of Mr. John Lynch, of Maine, was commissioned to investigate the decadence of American commerce, when our commerce had never been in a more flourishing condition; and then, when the committee might have supposed that Congress meant the carrying trade by the term, however stupidly it was employed, these gentlemen set about the investigation of something having no connection with either. They made searching inquiries as to the falling off of wooden ship-building in consequence of the introduction of iron steamers, and came back with a report that “commerce” could be regained only by a retrograde movement in favor of wooden ship-building, and that this was to be attained by a liberal system of bounties. The House of Representatives actually voted to have a large edition of this monstrous report printed for

general information ; but when the bill reached the Senate and some one proposed to lay it on the table, Garret Davis, of Kentucky, after reading the conclusion of the committee that commerce — that is, the carrying trade ; that is, ship-building — was ruined by the depredations of the "Alabama," so that every ship destroyed interfered with the business of replacing her, asked leave to amend that motion by kicking it under the table. This was the last time that any serious debate touching our navigation laws has come up in the Congress of the United States, although from that day to this the American carrying trade has been steadily diminishing.

Still, year after year, bills have been presented both in the Senate and House, and have been referred to the Committees on Commerce or of Ways and Means, whose processes virtually and intentionally have consigned them to oblivion. Humiliating as the conclusion is, none other can be reached than that, to use the mildest term, this result has been compassed by some improper influence from outside ; for it is impossible to attribute to any other cause the unwillingness of all these committees during ten years to have the question of the repeal of the navigation laws even debated. Meantime bills for bounties and subsidies in the interest of private individuals and companies have been frequently reported and sometimes favorably acted upon. Once and only once did a proposition in any degree bearing upon the question get so far as to the Committee of the Whole, and then only to be strangled by "parliamentary tactics."

At the time of the outbreak of the Franco-German war, the owners of the large fleet of German steamers already mentioned became needlessly alarmed as to the probability of captures by the French navy. It is true they afterwards discovered that a Frenchman on the water is an enemy of small account, but as yet they had had no experience in that direction, and did not know that the combined efforts of all the iron-clads, monitors, rams, frigates, and gun-boats of France would succeed only in seizing a few fishing-smacks in the North Sea. But in their first alarm the Germans earnestly desired to put their ships under the American flag subject to any conditions, even that of never again changing their nationality. Here was a splendid opportunity to nationalize this great fleet, which, according to our laws, would necessarily be officered and chiefly manned by American sailors, and would form a nucleus for building up our decrepit commercial marine. President Grant saw the advantage, and on the last day of the session of Congress sent an urgent special message simultaneously to the Senate and to the House, begging Congress to repeal so much of our prohibitory navigation laws as would meet the emergency. There were only two or three hours left for consideration. And what did Congress do? Did it see the gain to the country to



be acquired by adopting the President's suggestions? Very likely it did. Did it desire to show a proper respect to the chief magistrate by at least discussing his proposition? We cannot doubt that there was a sufficient number of gentlemen there who had not the ill-manners to wish to pass the message by; but they were powerless. The Senate and the House have their "rules," and those rules admit of a constant succession of tricks called tactics, by which oftentimes a single individual may defeat the wishes of the majority. On this occasion Mr. Bayard in the Senate and Mr. Clarkson N. Potter in the House performed all these tricks most adroitly. From the moment when the President's message was read until the hammers of the Vice-president and the Speaker fell, they "filibustered" incessantly; and when Congress adjourned each of them had food for reflection. One had stood up for his little State, wherein live a few iron ship-builders, who would not in any event have been harmed; and the other had acted as counsel for the Pacific Mail Steamship Company, which hoped to reap some advantage for its antiquated side-wheel wooden ships. Neither accomplished anything for his employers, but both trampled on the grave of our mercantile marine and prevented its resurrection. The ship-builders' lobby was of course triumphant. After such a signal success in circumstances of real danger, they have never feared that any trouble could come to them from a committee-room. When we consider that the diverse interests of protection are leagued together for common safety in stifling all debate on any matter which may affect them even in appearance, we may confidently assert that Congress is not permitted to legislate for the people. Mr. S. S. Cox has lately published a very instructive volume on free-trade, and although he has been a leading member of the House of Representatives for many years, he makes this apology for the issue of his work,—that he is forced to appeal to the public in this way, because he cannot obtain a hearing for revenue reform from his associates.

In the old days of slave-holding domination an effort was made to deny John Quincy Adams the right of presenting in the House an Antislavery petition, whereupon the whole country started up at such injustice. In these days of freedom a meaner tyranny is exercised. Petitions may be presented on behalf of revenue reform, but it is with the insulting condition always implied that they shall be referred to committees who will not report upon them, and who make the committee-room a mere columbarium for these stillborn bills. Slavery is by no means dead: there is only a change of color. In fact, the oppression of which we complain had its birth in that detestable institution which in another guise domineers over us now. If any one cares to study the origin of our restrictive navigation laws, he

can consult a concise account of it given by Mr. David A. Wells in the "North American Review" of December, 1877. It came out of a compromise with slavery. The Northern States agreed that slavery should be "fostered," — that is a favorite word with protectionists, — provided that ship-building should also be "fostered," and that New England ships — for nearly all vessels were built in that district — should have the sole privilege of supplying the Southern market with negroes. Negro slavery is now indeed happily at an end, but ship-builders still inherit the spirit of their guild, — only in place of the wrong they once perpetrated on black men, they now bind all their white fellow-citizens with the bonds of their odious monopoly. Moreover, although the arbitrary law of the mother country forcing the colonists to conduct their commerce in British-built ships was one exciting cause of the Revolutionary rebellion, Americans had no sooner obtained their independence than they created among themselves a monopoly quite as tyrannical. Yet they were not then without excuse. When the convention for forming the Federal Constitution convened in 1789, every civilized nation was exercising a similar restrictive policy. But while all others have either totally abolished or materially modified their stringent laws touching their shipping interests, we alone persist in maintaining an ordinance devised originally for the protection of the home industry of our ship-builders, which was innocuous in the days of wooden ship-building, but has now become a most stalwart protection for the industry of every foreign ship-owner whom we encourage in the transportation of our persons and property over the ocean, — an industry in which this law forbids a similar class of our own citizens to participate.

One great difficulty in reaching a proper understanding of our subject consists in that persistent misuse of plain English words which has been already noticed. Thus Mr. Nimmo in his reports classes ship-building and the carrying trade under the head of commerce. The celebrated special committee of Mr. Lynch also egregiously misapplied the term. Whenever a bill relating either to ship-building or ship-owning comes before Congress, it is generally referred to a "Committee on Commerce." Now, what is commerce? It is "an interchange or mutual change of goods, wares, productions, or property of any kind between nations or individuals either by barter or by purchase and sale; trade; traffic." What is ship-building?—"Naval architecture; the art of constructing vessels for navigation, particularly ships and other vessels of a large kind bearing masts." What is ship-owning? Well may Webster have considered the business so obsolete among his countrymen that in his late editions he gives no definition of the word; but no one will dispute that it means, or ought to mean, the owning of ships. It will be easily apprehended that



commerce may be carried on as it is carried on chiefly by our people in ships which they neither build nor own ; so that mourning over our "commercial decadence" is an absurdity. It may be conceived that a nation may have such facilities for ship-building that, although it has no commerce and does not engage in the freighting business, it may make ship-building a profitable specialty ; and lastly, it would not be an impossible supposition that a nation comprising expert seamen might have neither commerce nor ship-building to any extent, and yet might engage in a lucrative business of transporting the goods of a commercial people in vessels bought from those whose principal occupation it is to build them.

For the purpose of making the distinctions clear these propositions are thus broadly stated. The first is very nearly true in a literal sense as to the foreign commerce of the United States. It is carried on for the benefit of others in vessels which we cannot afford to build and are not permitted to buy. The first, second, and third combined apply to England. She has her own commerce and that of other nations carried in ships which she builds and owns. Germany represents the last. She has little commerce of her own and little ship-building, but she buys ships of England and carries the goods of all nations over the sea. Would it be good policy for her to deprive herself of the carrying trade because she has so little of either commerce or ship-building ? Is it good policy, then, for us to deprive ourselves of it, because, although we have commerce, ship-building must still remain a lost art under the high tariff which we choose to retain ? Of the three distinct industries we now have one. We might have two ; but because we cannot have three we will not have the two,—we prefer to keep only one. Why not, upon the same basis of reasoning, give up the whole ? Our carrying-trade might be worth more than a hundred million dollars a year to us. We will not have it. Our commerce in imports and exports, as shown by Mr. Nimmo's careful statistics, amounts to \$1,108,082,254, nearly all of which is carried in foreign bottoms. As we cannot have ship-building and will not have ship-owning, why not dispense with commerce too ? To be consistent, we should carry our high tariff to its logical conclusions. If the importation of ships is to be still prohibited, why confine the prohibition to ships and obscene books, which are deemed so equally detestable that they are coupled together as the sole luxuries in which an American citizen may not indulge ? Instead of being totally excluded, while all things else on some terms are admitted, ships should be the first articles on the free list.

We can and do tax, in the way of a protective duty, almost everything of a kind which we can produce at home. This is not the time or place to consider the propriety of such a course. It is a question

of general free-trade which does not enter into our present consideration, and it may be admitted without prejudice to our argument that our commercial policy may possibly be beneficial. It certainly is so to some persons if not to all who compose the nation. We may, for instance, pile the duty on iron, and assess our farmers ten times what might be the cost of their ploughs, for the benefit of the home manufacturer. We can thus undoubtedly succeed in compelling them to purchase American ploughs. They must have these protected ploughs, or they and we too should starve. We can tax cloth so that most of us must use American cloth or go without clothing. We may tax sugar so that Louisiana sugar shall sell for a dollar per pound. By such extravagant taxation we should certainly benefit somebody if not everybody among our own people, for within our boundaries this continent is our own. But the ocean is the common property of the world, and no Washington legislation can have dominion over it. If we desire to compete for the traffic upon it, we must have ships as cheap as they can be produced or bought by other nations, and these we can only have by importing them absolutely free of duty. There is only one other method of obtaining them,—and that is by building them at home and making up the difference in cost from the public treasury to every individual who wishes to own a ship. Subsidies to any particular line of steamships to aid ship-building are manifestly partial and unjust, and even if they were not so, they would not aid in giving a carrying trade to any ship-owners beyond the few who would receive such extraordinary favor. Would it give any relief to the importers who prefer to own cheap ships wherein to bring their goods from Calcutta, China, Brazil, or the Mediterranean, rather than to pay, as they are now obliged to do, freight money to the foreign ship-owner whose Government is more liberal and far-seeing than ours? Would it aid the owners of Liverpool, London, and Havre packets, who have found that their old wooden ships are unprofitable by the side of the British iron screw steamships, which are profitable without subsidy? Even when we have given subsidies to American steamship lines they have utterly failed in competition with British steamships depending upon no such aid. The Pacific mail steamers between California and China, when they had a subsidy, were beaten in the trade by the British line which had none. The former Brazilian line experienced the same fate, and the present one, with a subsidy from Brazil, cannot be made to pay. When our ships cost one third more than those of England, and there is consequently one third more interest and insurance at stake; and when they are taxed as personal property at the annual rate of two and one half per cent, besides a national tax of thirty cents per ton, to say nothing of the inequality of our maritime laws touching the expense of sailing them, which I



have not space now to consider, — there is needed to bolster them up an amount of subsidy which Congress will never be induced to grant. Much less would it, as in impartial duty bound, concede the same rate to every individual ship-owner. Yet of all the plans for restoring our carrying trade there is none which has been urged with such pertinacity as that of subsidizing one or more lines of ocean steamships. In fact, it is as ridiculous as it would be to ask the Government to promote coach-building by establishing one or two lines of mail coaches. The postal department is as distinct from the industry of the sea as it is from the industry of the land. It merely requires that its business should be done as cheaply, expeditiously, and regularly as possible. It does not concern itself about the American material or native make of mail-bags, coaches, cars, or ships. Notwithstanding all that has been put forward by ship-builders as an argument drawn from the practice of England that an especial charity should be bestowed upon them, their plea has no foundation whatever. In no single instance can it be made to appear that in contracting for the carriage of its mails has the British Government required that the ships should be British-built; and it is a fact that although they generally are built at home, because they can be built more economically there than elsewhere, still there are several instances where the subsidized companies have supplied themselves with French-built ships from French companies which had been forced to succumb to their competition. Moreover, of the great British steam-fleet which dominates the ocean not one ship in fifty receives any aid directly or indirectly from postal contracts. Already more than sixty per cent of the merchandise carried over the seas is transported in independent steamships, and it will not be many years before sailing ships will be virtually obsolete. We can well enough afford to change our present demand for free ships to a demand for free steamships, and thus leave Mr. Blaine and the Maine ship-builders no reason for complaint that their business will be injured in the slightest degree.

It has been said that if we should repeal our registry laws we should not by that measure regain our carrying trade. This may be admitted; but at the same time, without this repealing legislation, we should also fail. It is the first step on the ladder without which we cannot reach the others, however smooth and easy they may be made. What we need is, first, repeal of our navigation laws, so that American citizens can own ships as cheaply as foreigners; and then such further legislation as will enable them to sail these ships to the same advantage. We have to engage in a competition with all the world, including even the Chinese, who are likely to become our formidable rivals in owning and sailing ships. It does not require any argument to make it clear that when this competition is so sharp and the business so trimmed

down to the necessities of economy, we, who in this long interval of supine neglect have lost our aptitude and experience, should in every possible respect have a fair chance in the race. If a farmer expects to raise crops as profitable as those of his neighbor, he must own his land, his cattle, his agricultural implements, and must employ his labor on as cheap terms as others do. So with every industry which stands side by side with its class. It is true that by the operation of a tariff these can be made actually home industries, so that the outside world cannot interfere with them as it does in the business under consideration ; but even then no mechanic is protected to the disadvantage of another in the same line of occupation. What, then, shall be done? If our carrying trade is to be restored, we must have the same laws and privileges which exist in that nation which now is most successful in that industry. It is easy to learn what they are. We have only to consult the British navigation laws, and copy them in every particular. Then if we are not successful, it will be because we lack brains.

There is a strong opposition to free ships. It comes as naturally from the ship-builders as the opposition to St. Paul's doctrine came from the silversmiths of Ephesus. They tell us that our policy would close up every ship-yard in the land, and in time of war would leave us without a navy. It is preposterous to suppose that the government yards would not be maintained at any cost, and it has been shown that a wholesome competition and the mere work of repairing would prevent such disastrous consequences to individuals. As we are now situated, transports would perforce be improvised, as they were in the Rebellion, from the wretched wooden steamers which served for the graves of our soldiers ; and the seamen to man such an insufficient navy, unless they were hired from the nations we intend to fight, would necessarily be inexperienced landmen.

What at first seems surprising is that an objection is offered by ship-owners. Yet this is easily explained by themselves in their petition to Congress, "because our present investments in ships were made at a cost much greater than that at which foreign ships could be supplied." This is perhaps one of the strongest arguments they could make in favor of the repeal of the navigation laws. Be it remembered that nearly every one of the petitioners is engaged in the coasting trade, and that they fear the competition of others who in cheaper ships could better serve the public. Indeed, the firm whose name appears first on the list made this acknowledgement to the writer.

When in 1852 Great Britain repealed her registry laws in order that her carrying trade, which was then performed in wooden ships, might be preserved, it was in defiance of the howls of ten times as



many ship-builders as are now engaged in all the ship-yards of the United States. Now, when we need iron steamers as she then needed wooden sailing ships, we have thus far been prevented from imitating her example by the influence of a single iron ship-builder who has controlled the lobby at Washington. But we may hope that the day is not far distant when Congress will take the matter into its own hands, and, without the aid of any more "investigating committees," will simply open its eyes to the light.

JOHN CODMAN.

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## THE SOLID SOUTH?<sup>1</sup>

IT is time to analyze this phrase; to seek its true meaning and determine its permanent or temporary character; to see whether there are any reasons either geographical or physical, industrial, mental, or political, which give any cause for assuming that there must continue to exist within the limits of the United States a sectional division to which this phrase will continue to apply. Misused words and phrases which convey false ideas to the masses of busy men, who have neither time nor the requisite training to examine for themselves and to detect the subtle error lurking in them, may cause political action which will retard the progress of this country for many years. The phrase "Solid South," although it has only come into use within a short time, has yet been for the whole century a true expression of one of the most malignant evils and dangers which this country has been called upon to meet and overcome. In the last election it was the phrase which expressed such a degree of intended misuse of power, and of intended purpose to secure a falsely-named Democratic majority without regard to the means used thereto in some of the Southern States, as to make a solid North a vital and absolute necessity to the continued existence of an organized system of government entitled in any degree to the support and confidence of the people, either North or South. The South was for the moment apparently solid in its intention to sustain, not a Democratic, but the Bourbon element (the difference I will define further on), and to replace in power and control the representatives of the lost cause of Secession without regard to the means.

<sup>1</sup> An Address to the Finance Club of Harvard University, Dec. 17, 1880.



Had it not become apparent that the South would thus sustain a class of men who have proved to be incapable of adjusting themselves to the methods of government which are necessary to the establishment of personal liberty, it would not have been necessary for Republicans at the North to put aside all present consideration of the most important questions of civil service and revenue reform, or to sustain a class of Republican leaders whose bad methods of what has been called "personal government," and whose arrogant claims to control the policy of the party would not have been submitted to for an instant under other conditions. And yet at the present moment the phrase "Solid South" has little warrant in any existing condition of things; it is liable to mislead legislators and people alike, and to work mischief of the most subtle and dangerous kind. If a phrase which only expressed a dangerous truth in the condition of affairs so long as the cause of the danger existed, or a little later, continues to be used and imparts prejudice and temper to legislative and executive action after the cause of evil has been removed, then such phrase may become a most dangerous falsehood. Such is the danger to which we are now subjected if the idea conveyed by the term "Solid South" is not analyzed, and if the fact shall be fairly proved that it no longer expresses any living or dangerous issue. If it shall be made to appear that the late election marked a turning-point in the policy of the Southern States, that Democratic success was the condition on which the very existence of the Bourbon party depended; if it shall be proved that defeat was destruction, and that there is no more chance for the continuance of the policy which has made the South solid than there is for a dead man to be restored to life, — then the phrase ought to die with the fact which it represented.

What then has been meant by the term "Solid South" in common speech? Geographically it included all the States south of the parallel of 36° 30', or what is known as Mason and Dixon's line, and east of the Rocky Mountains, together with the State of Missouri. Industrially it included cotton, sugar, rice, and tobacco, produced by methods of agriculture which were with very limited but conspicuous exceptions examples of all that was wasteful and improvident, and it included manufacturing and mechanic arts developed only in a most limited degree. Mentally it expressed a habit of intolerance in thought promoting violence in action, the latter leading to the frequent crime of homicide and the folly of the duel; it mistook for what it called chivalry that brute courage which has no respect for human life, and it substituted a jealousy of the independent thought and action of other men for a sentiment of honor, of the true nature of which sentiment it had no conception. Morally it descended to a depth of baseness which to-day is hard to be conceived. It permitted

the chasing of men with blood-hounds, the flogging of naked women before the eyes of men and boys, the breeding of human live-stock, and the sale even of the very children of those who engaged in the nefarious traffic. Of course there were individuals who furnished exceptions to these characteristics, but they were only exceptions, even if more numerous than those who enforced the rule; and the representatives of these exceptions would have been as powerless to control their several communities as the reformers of the North were powerless, until the passive war of which these characteristics were but the outward expression culminated in the active war by which they were swept out of existence. Politically the term "Solid South" included only the Bourbon idea of the section which it covered geographically. This Bourbon idea was that all men are *not* born free, but are born unequal in their rights, and that it was the function of the privileged few to govern the incapable many. It included those men who, though residing in Northern States, were foreign to them, and who as "doughfaces" and "copperheads" did the dirty work of their Southern masters; the same class who, of late years, by taking advantage of the popular meaning of the word "democrat" and perverting it to base purposes, have misled the masses of ignorant and unthinking voters to the great danger of the country and to the misgovernment of the great cities which they infest. The very necessity of the Solid South before the war degraded Southern men who possessed the ability of statesmen to the mean level of being advocates of a national crime, and kept them in bondage to a system which they knew to be base. Soon after the publication of "Uncle Tom's Cabin," two friends of the writer, a distinguished publicist and his wife, took tea at the house of Senator Preston of South Carolina. After tea the talk of the two ladies turned upon the book. The Senator, ordinarily a man of extreme and fastidious courtesy, gradually became excited, until at last he burst forth: "Yes! Mrs. L., we've read 'Uncle Tom's Cabin'; and, by G-d! I swear it is true. I can match every incident in it out of my own experience." Thus the convictions of the man burst forth in spite of himself, and proved all his public acts to be governed by no principle, and only controlled by a base necessity. If the term "Solid South" still meant these noxious and dangerous conditions; if these ideas were now still dominant, after fifteen years have passed since the collapse of the Confederacy, — then the policy of the North which has come to be named "stalwart," and which finds its most intense expression in a recent article in the "North American Review" by Mr. George S. Boutwell, would be fully warranted. In such case the centralization of national power and of national coercion would not only be justifiable but absolutely necessary. Yet this would be a condition of *quasi* war.



But what does this analysis of the term "Solid South" really mean? It means *slavery*, nothing more and nothing less. But *slavery* is dead. In the diseased human body the process of nature is to cure, not to kill; the physician can only help a little, and provide the means by which the vital force does the healing work from within. If the disease has gone too far, then death is better than life, and the man gives place in order that mankind may become stronger and more full of life. So in the body politic the cancer of slavery had gone far to destroy all mental, moral, political, and industrial life in the "Solid South" on which it had fastened its poisonous grasp; but the heroic remedy was applied. The South is not dead; on the contrary the New South is full of vigorous life and of the beginnings of energy. There are still a few places in the far interior of some of the States where the maleficent virus of slavery yet works; but the principle of liberty imparting vigor and energy to the whole body corporate, like the wholesome sustenance with which the wise physician aids the convalescent, will soon overcome these last relics of barbarism, and their very existence will be forgotten. In the days of slavery it was necessary for the few leaders who possessed political intelligence to keep the masses in ignorance lest whites as well as blacks should know that even they themselves were slaves. The so-called first families of Virginia resisted the establishment of common schools. A governor of South Carolina called the workmen of the North the "mudsills of society," nor was he singular in his ignorance and illiteracy. The war itself was needed to instruct the masses of Southern whites as to their own true position. In one of the last months of the war I happened to be in Washington, and I learned that many deserters were daily coming in from the Confederate lines. I visited their camp and found them to be mostly veteran soldiers, not recent conscripts. I asked one who had been a soldier in a Louisiana regiment from the beginning why they had deserted? "Just found out what we have been fighting for," he responded. "What was it?" asked I. "Fighting for rich men's niggers! G-d d—n 'em! I won't fight any longer." When I spoke in the Senate Chamber of Georgia, a few months ago, I told that story, adding: "It was that man's perceptions of the true cause of the war which brought it to its end. His surrender with his comrades marked the change which lies at the foundation of your new prosperity, and I challenge any man here to deny it." When I spoke those words to the Governor and other officials of Georgia, and to the merchants and planters of Atlanta and its neighborhood, and in place of insult was greeted with a hearty round of applause, was it not true evidence that the old "Solid South" is dead, and that a New South is rising from the ashes, eager to keep step with the North in the onward march of the Solid Nation?

Let us then consider the South once more in the several aspects which we have named.

Is the South solid or homogeneous, geographically and physically? So far from it that if we start westward from Wilmington, N. C., and pass to the top of the Black Mountains, only two hundred miles distant, we may choose any climate to dwell in, or find the flora and the fauna of every section that can be found from Canada to the Gulf of Mexico. We may find first the sub-tropical conditions, and next the finest and healthiest temperate climate upon this continent; we may enter sections in which the range of the thermometer in summer and winter shows the least variation from the mean standard of any section on this side of the Rocky Mountains; we may find the rich river bottom in which the black man only can live and labor in health and vigor; we may find the sandy upland-prairie a thousand feet above the level of the sea, — the land of all others most fit for the small farms of the white man, on which he can most easily and quickly attain independence, to which purpose it is being rapidly devoted; we may find the fertile mountain valley, the steadiest streams, the mountain sides covered with the heaviest growth of hard-wood timber nearest of any to its place of use; over the ridge a little further off we may find ten thousand square miles of land, which, considered with relation to permanent fertility and abundant product of stock, cereals, or hemp and other crops, is more productive than almost any other section to be found on this continent, — the Blue Limestone country of Kentucky. Underneath the soil in many places, and over large areas lie the best coal, the richest and purest iron ore, copper, sulphur, salt, corundum, and gold. In short, if all the geographical and physical conditions of this so-called "Solid South" be considered, it offers the greatest opportunity for diversity of occupation that can be found in this land, of which as yet the least use has been made. Yet the common conception even of those who know better, but who do not stop to think when the South is spoken of, is that it produces cotton, sugar, rice, "niggers," heat, and malaria, — and very little else.

Industrially is the South solid? It used to be. Its system of labor forbade the use of any but the rudest tools by the slave, while the poor white, who dwelt next the planter, if he labored at all, worked ignorantly and intermittently under a sense of indignity. There was no organized industry, no art, no science, no literature. But this record is no longer a faithful picture of the present time. It is true that there is a vast work yet to be done, but the beginning has been made. In the market gardens of Norfolk, Charleston, Savannah, and elsewhere, the well-directed work of white and colored laborers alike leaves little to be desired in comparison with work of



like kind at the North. In the Atlantic Southern States the number of small farms will soon give to these States a larger number of conservative citizens than will be found in any other equal section of the country. To these small farmers especially have the centralizing and undemocratic tendencies of the Bourbons become most oppressive: they are rapidly organizing to regain local self-government and their right to elect their own magistrates, county officers, assessors, and the like. They resist the same *per capita* road taxes and other methods of legislation that oppress the black, by means of which the Bourbons have attempted to discriminate against both classes; and, as they have ceased to dread the assertion of social equality and intercourse on the part of the black since they have found that no such assertion is made, white and black voters are learning to co-operate in defence of the rights which are essential to both races. On all local questions the South is dividing in every section, and it will never again submit to the Bourbon rule even on national questions.

In the mechanic and manufacturing arts, if comparison be made with the barbarism of the ante-war period, the progress is almost marvellous. Villages are springing up; the country store is established; centres of industry are forming. The South now has at Chattanooga the largest single tannery in the country; the sole leather of Louisville takes a leading place among the best, if not the best; wood is being worked in many forms, and the chief supply of the best ash, oak, and walnut for eastern cities is now found south of Mason and Dixon's line. Nashville is said to possess the largest wagon factory in the country; iron is being made at the lowest cost and of the best quality in many places, and Pittsburgh feels the necessity of constructing new lines of railroad to reach the Southern mines in order to maintain her place. Norfolk contests the palm with Baltimore in the canning of oysters, literally employing thousands of persons in that industry. In Richmond two carpet-baggers, who carried full-sized trunks and stayed, employ some hundreds of women in the manufacture of cigarettes that are mostly made from tobacco of the finest quality grown in places and on lands which ten years since no one knew to be fit for growing any tobacco even of the coarsest kind. Elsewhere in every direction arts and industries that are old to us but new to the South are starting into vigorous life, and creating new conditions which will not permit sectional antagonism any longer.

Mentally or politically is the South solid? These questions must be considered together, and I must touch on subjects upon which I feel hardly competent to speak; but we may consider them together as matters on which we need to know the truth. The mental characteristics of a people are moulded either from without or from within.

Under a despotism they will be consistent with the nature of the influence imposed from above and without. In a free society they will be consistent with the forces which work from within. It is held to be of the utmost practical importance that this distinction should be defined, since upon this definition the policy of the nation at the present time must be moulded. It may seem unimportant, and my treatment may be dry and tedious ; yet upon this distinction the history of the next decade may greatly depend : peace and good-will may rule, or contention and discord, according as this principle is comprehended or rejected. Despotism does not of necessity imply a despot. Slavery constituted a despotism of the most malignant type. What despotism is more potent than that of custom, even if the custom is not incorporated in the statute law ? But when to the force of custom the force of law is added, no power can be devised so capable of promoting wrong. Can it even be imagined that men of the intellectual vigor of the more prominent leaders in the Rebellion, or those by whom it had been planned and promoted for many years, did not know that the sum of all iniquity was a system which enforced ignorance and illiteracy, justified murder, compelled unchastity, ignored utterly the institution of marriage, made the quadroon daughter of the slave-owner more profitable to raise for the basest purposes than the most vigorous field-hand ? Is it possible to justify their intelligence except at the cost of their moral and mental integrity ? This despotism compelled every man who combined more than average mental ability with education to suborn his true convictions to its behests. I speak only of recent periods. The slave-holders of the early days dared to speak and dared to act in favor of abolition ; but as time went on no prominent man or leader could do so publicly and live. Well might Jefferson declare, as he witnessed the drift of opinion even before he had passed away, " I tremble for the future of my country when I remember that God is just." Hence, as I have said, in the last half century the slave States produced no *national* statesmen, no author of any note, no philanthropist, no artist, no public man whose life has made mankind better or wiser, or by whose living human welfare has been promoted.

But let us not be unjust. True men and good men there were in this Southern land, — men who made the best of their condition, who suffered under it, but who could see no way to surmount its evils. Men willing to become great reformers, and who have the mental capacity to carry their will into action, are few everywhere. In the South the proportion of men even of tolerable education was very small, the number of slave-owners was very limited, and not one of their number had ever happened to appear who had the courage and capacity combined which would have enabled him to resist the despot-



ism of the system. These men of average ability and education were, as I have said, honest in their subserviency; they believed implicitly that the negro race was fated to serve the white, and their children never doubted the alleged divinity of the peculiar institution. These children are the Bourbons of to-day; but their honesty of belief can only be justified at the expense of their intelligence; and it thus happened of necessity that there could be neither literature nor art, neither true chivalry nor true honor. The masses of the poor whites were degraded in their own estimation because they could not live without a little labor, and they performed that little without intelligence or hope, because slavery declared the laborer to be ignoble. They became what the war found them, — ignorant, illiterate, and violent, and in many regions so debased that in some of the least fertile sections they are now the most difficult class to deal with, far behind the blacks in capacity to adapt themselves to new conditions. They comprised among their number the dirt or clay eaters and the snuff dippers, the most hopeless classes in this land.

The condition of the blacks, as it then was, we need not describe; it is only too well known. What it is now it is not my intention here to consider. My own conviction is, from observation and wide correspondence, that the blacks regard education as the *open sesame* to advancement; that this, taken in connection with their imitative capacity, has led to a degree of progress at the present time, such as would not have been attained by an equal number of Irish, English, or German peasantry placed under the same physical conditions and subject to the prejudices of their respective races. Adverse and favorable testimony as to the present status and condition of the blacks can be obtained to any extent and of every degree of positiveness. They are writing their own record in the results of their own labor, and presently he who runs through the South may read the evidence. But what they have done must be viewed in the same manner as only the beginning, and like the work of the whites, — the very faintest shadow of what they may do.

One class of the poor Southern whites ought to be considered separately. In the interior valleys and upon the mountains of the great Apalachian chain, from West Virginia to North Georgia and Alabama, there has existed the most self-sustaining class of white people in this country. Cut off from their fellows by the slavery which surrounded them, they have depended almost wholly upon themselves, buying scarcely anything but iron and crockery ware; they make their own furniture, their own looms, their tools; they spin and weave their own cloth of both cotton and wool, and distil their own whiskey, "moonshine," or otherwise. They are ignorant and illiterate, but not without intelligence and self-respect; and they needed only the

opportunity now being given them to become a rapidly progressive people.

Such were the necessary results of the despotism of slavery, — an arrogant, violent, dishonest, ruling class, few in number, and therefore holding their places for long periods; a somewhat larger number of slave-owners counting themselves as an aristocracy, but without sufficient intellectual power or development to know their own miserable, dependent, and unprogressive condition; a mass of ignorant and illiterate whites to whom war only could bring enlightenment; and below all these the oppressed black, even less a slave than the poor white, because it was the interest of the owner to feed and clothe him. There was no middle class, no intelligent body of progressive mechanics, no small farmers constantly supplying the new blood which in the North builds up cities and lays the foundation of States. By their fruits we have known them. Figs have not been gathered from thistles, and never will be.

But let us turn to the brighter page. I have said that in a free society the mental and political characteristics must be or become consistent with the forces which work from within; and these forces are the industrial forces born of personal liberty, which I have attempted to describe. Mark the first fruits of personal liberty. I have spoken of the new productions, but consider the increase of the old. When the present crop of cotton is added to those previously gathered since the war, the sixteen crops will exceed the sixteen ante-war crops by more than 13,000,000 bales, perhaps by 14,000,000, which have brought to their producers more than \$800,000,000, — and this is the excess only, the very first fruits of personal liberty. Sugar and rice, both requiring for their cultivation not only special labor but large capital, are almost if not quite up to the ante-war standard. Tobacco has changed its place, improved in quality, and exceeds in value the ante-war product. To all this let there be added the products of the new industries, — iron, coal, timber, market gardening, cotton manufacturing, and the work done by the artisans and mechanics in and near every town and city, who now produce the things of common use which once were moved at heavy cost from the far distant North, — and we can begin to picture the change which has but just begun. The art most needed now is the art of saving, — the Savings Bank most of all. If what may be called the moral capital which makes the Savings Bank of New England possible, were not a thing of slow growth, — if it could be moved to these Southern lands and established there, — the fund that would be gathered from white and black alike would be amazing.

Now let us come to the question of main importance at the present moment. Is the South solid politically? Before we begin to treat



this last branch of our subject we must first consider certain dates and facts in our past history. The arrogant demands of the slave-power culminated in the passage of the fugitive slave-bill, and in submission to that act the subserviency of the North reached its lowest point. But it was an apparent not a real subserviency, as the struggle over Kansas soon proved. We refer to these events in order to mark periods in the lives of men now living, and to show the influences under which they came into active life. It may be said that every man in the South who was born before 1830, and had come to man's estate in 1850 and 1851, was brought up under a sense of most bitter antagonism against the North. Prior to 1830 the South itself had apologized for slavery; then came justification, until at last the writers in *De Bow's Review*—the only journal of any pretence to ability that had maintained any Southern existence—boldly took the ground that the contest between labor and capital could only cease when the natural relation was established everywhere, that capital should own labor and that the slave-trade should be re-opened. In 1861, when the war began, every man not over fifty years of age had been bred under these most bitter influences, and those who were from twenty to thirty years old had been educated at a time when they had been most intense. The few leaders of sufficient intellectual ability, like Senator Preston, suppressed their convictions of right, while the large number of the dominant class accepted the dogma that men are not born free, that the black man has no rights which the white man is bound to respect (in which they were sustained by the most infamous decision of the Supreme Court in the *Dred Scott* case), and that the masses of whites as well as blacks were incapable of governing or taking part in government. Now it must be borne in mind that the great mass of non-slaveholding whites ignorantly but fully sustained their leaders in this position, and possessed no education to fit them to assert their own right to a share in the duties and responsibilities of government; also that as the possession of land is the measure of influence in England, so the possession of negroes was the measure of influence in the South, and was the mark aimed at by those who did not inherit them. Further it must be remembered, that at the end of the war in 1865 all the men of education who were of suitable age to take a part in the government of the States were those between twenty-five and sixty, every one of whom had been bred under these malignant influences. It is true that a great many of them had been educated by the war. Returning home poor in all but land, and beaten in the cause to which they had devoted themselves manfully if not intelligently, such men went to work for themselves for the first time, and became too busy to take much part in politics. But others bided their time, waiting opportunity to regain political power and influence,

and governed by the same Bourbon idea that whether under slavery or nominal freedom it was their function to rule. Disfranchised or sulky, they could or would take no part in the first State governments elected after the Reconstruction acts.

The history of the earlier years of Reconstruction remains to be justly written. When it shall be written, the indiscriminate abuse which has been showered upon the carpet-baggers by all the Southern papers, and by those Northern papers which mistake a silly, cynical, and *ex cathedra* style for political observation and sagacity, will be greatly modified. It will appear that at the instance of some of the Northern men who have been thus stigmatized admirable constitutions were adopted, and a vast deal of useful legislation was accomplished. But unfortunately the venal and corrupt portion of their number, finding allies in the Southern scalawags, misled or corrupted the ignorant colored men, and by their fraud and misgovernment made the name of carpet-bagger and republican alike an offence and a stigma in many States. When the necessary reaction came, what class was there ready to take up the function of government? None but the Bourbons. The men of mature age who had been educated by the war, and had gone to work laying the foundation of their new fortunes and of the new South, were too busy to become politicians. The younger men who at this date—in 1870 to 1874—had not been educated under the virus of slavery were only twenty-five or thirty years old,—not old enough or sufficiently well established to take control. Those who had been poor whites had not had time to attain much position or influence. In fact the Old South was not quite dead, the New South was hardly born, and the Bourbons came into power under the name of Democrats. It is true that the worst abuses born of ignorance and greed were abated; order was established, such as it was; the Kuklux Klan and the Invisible Empire disappeared, and the violent and homicidal treatment of the negro which had infested some sections, and had formed a part of the method of change, became only a part of the history of that dangerous period. But what ensued? The Bourbon under the name of Democrat, in most of the States if not in all, promoted changes of the most undemocratic kind. Asserting most vehemently the old slave dogma of State Sovereignty, they proceeded to destroy local self-government within the States, and deprived the people of the right to elect their own subordinate officers, imposing upon them the appointees of the centralized executive power, nominally chosen by ballot, really by intimidation. How far this change extended I have not been able to ascertain, but such were the facts in many States. Coupled with this privation of municipal rights came differential taxes which discriminated against the poor, opposition to schools, and many more of the modes of legal oppres-



sion which always ensue where the few control the many either by means of a restricted suffrage, or through other temporary causes such as I have described.

But now again another great change has come ; several years more have elapsed ; those who were ten years old when Lincoln was elected are now thirty, — those who were then twenty are now forty. These men constitute the New South ; uncontaminated by the virus of slavery they form the advance guard of the conquering hosts in whom the principle of personal liberty has worked its just result. Others of more mature age, educated by the war and by the work they have since done, many of them now well off and having leisure, acknowledge that they look back with “wonder, horror, and amazement” — I quote the words of one of their number — at what they tolerated in the dark days of slavery because it was customary, and to-day stand ready to advance the new forces of freedom. Others yet more mature in years, rejoicing in being relieved from the despotism of the past to which they had subjected themselves in their earlier years, are now redeeming their own reputations by leading the new forces with sagacity and vigor.

It would be well if Northern men in active life would steal a few weeks from business, journey through this Southern land, and try to weigh the facts in a just balance. Let me quote the words of a Massachusetts man now dwelling in one of the most Democratic districts of a Southern State, a union officer wounded in the war, a stanch republican, a carpet-bagger who has stayed where he settled immediately after the war, and where he has built up a prosperous manufacturing industry. He said to me :—

“If you had come here as I did as soon as the war ended, and had witnessed the condition of affairs, you would cease to wonder at any apparent contrast between North and South now, and would only wonder that so much has been accomplished. Bear in mind that the surrender of the Rebel armies carried with it of necessity a surrender of the customs and institutions of this section, of the mental convictions and habits of thought, and a reversal of all the methods of industry and labor to which men had been accustomed. The owners of land who survived the war came back to impoverished and neglected farms, without capital, without tools, without any knowledge on their own part of the actual work which they must do or starve. Had you been here then, — no matter how much you had hated slavery, no matter how just you might have considered the retribution that had come, — your sympathy for individuals would have been stirred to the utmost. Had you seen what I have witnessed you would not wonder that Southern progress has not been greater, but the marvel would be that so much has been accomplished in so short a time.”

In the light in which I have presented this subject, the election just ended marked no merely party success. It marked rather the final triumph of the principle of personal liberty. All other issues

were lost in this, and this triumph is final. The "Solid South" of slavery has gone forever. No power can restore it. Shall the New South, eager to become solid for personal liberty and human welfare, be now welcomed or repelled? Will the attempt be made to repulse the men who in all but name ask to be accepted as allies by the Republicans of the North? — who only hesitate even to accept that name itself because in the South it does not stand for the same ideas that it does with us? Will the wise policy of the present Administration, which has been guided by confidence in the slow but sure action of the principle of personal liberty, working from within and measured outwardly by the vast increase in material productions and the steady advance in material welfare, be followed by the yet grander policy which Lincoln or Andrew would have had the wisdom to assure had one of them been the President elect of 1880? Or will a narrow and selfish or bigoted spirit, incapable of recognizing the sure and certain action of righteous principles, not daring to trust that an evil will die when the cause is removed, again bring into action the methods of force and of coercion which fitted only a state of war or reorganization, but are utterly foreign to the true methods of peace? Are there Bourbons in the North as well as in the South, who dare not trust the principles they pretend to sustain? Is "stalwart" but another name for Bourbon? These are the questions which are to be answered on the fourth of March when the message of the President elect shall be published, and the names of the cabinet shall be disclosed. For myself, I cannot doubt that our President elect will prove himself a statesman and not a partisan.

In this paper I have intentionally pictured the Old South, — the "Solid South," the South of slavery, — in the darkest shades in order to make the contrast most intense, and this New South in the brightest aspect; perhaps in respect to the latter drawing more upon the hope that may be reposed in the future than on the general facts of the present day for my justification. Special facts I have, however, which are ample to sustain me. What I wish to prove is that a false principle, whether adopted by or imposed on men or nations, works surely and steadily to greater and greater depravity; while a true principle, whether accepted doubtfully and unwillingly, or freely chosen and applied, works as surely toward the integrity and stability alike of national and of personal character.

EDWARD ATKINSON.



MODERN PUBLIC DEBTS.

PREVIOUS to 1850 England alone, of all civilized States, knew the burden of a great national debt, the obligations which other States had assumed being then comparatively light. In 1880, however, the phenomenon of public debts is almost universal, and there are many States, standing in the first rank among nations, which rival England in the taxes yearly levied for the support of their obligations. Thus the French people are required to pay interest upon a capital sum amounting to \$3,800,000,000; the debt of Spain amounts to \$2,800,000,000; that of the United States to \$2,349,000,000; that of Italy to \$2,000,000,000; while Russia and Austria are debtors in sums of nearly equal magnitude. Among inferior States the same system of financiering has been adopted.

In an essay upon "National Debts," prepared by Richard Dudley Baxter, there appears a table showing the growth of the world's obligations from 1714 to 1870. This table is so instructive that it is here inserted.

A. D.	Capital sum owed, expressed in pounds sterling.		Character of Period.
1714	£300,000,000	} . . . . .	Chiefly Peace.
1793	506,000,000		War.
1820	1,530,000,000		Peace.
1848	1,730,000,000		Armament.
1870	3,910,000,000		

Further calculations, carried on upon the same basis and from the same sources, show that the indebtedness of the Governments of the world in 1880 stands at £4,859,000,000; being a sum equal to twenty-four and one half billion dollars. It requires but a glance at these figures to discern how light were the debts of the world previous to 1850 when compared with those which nations are at present carrying.

The Governments, as administered by the present generation, have not been paying running expenses, since every year, during the last thirty years, has, upon the average, added to the obligations assumed by them over five hundred and twenty million dollars. From these figures it may be read that an extended employment of national credit is a phenomenon of quite recent appearance; that the debts of the past were but child's play when compared with those of the present; and

that modern financiers have made a new departure and are treading an untried path. In view of these facts two queries naturally arise, a consideration of which will define the limits of this article :—

I. How may the facts themselves be explained? Why is the general employment of national credit as a source of revenue of such recent development?

II. What are the tendencies which this new form of financiering embodies?

A satisfactory answer to the first question proposed is found in the two following considerations :—

1. A more extended development of the idea of the right to private possession in property than existed in the sixteenth, seventeenth, or eighteenth centuries was necessary, before those who held free capital would willingly transfer it to the States in exchange for a mere promise of repayment. During these centuries the relation between the citizen and the State was such that no individual felt secure in permitting movable property to pass from his own immediate possession. The famous egoism of Louis XIV. — “L' état, c'est moi!” — expresses perfectly what might then have been termed the efficient idea or the working hypothesis of Governments. From the sovereign's standpoint the individual held no distinct personality separate from the State, and it is not difficult to understand why he should be unwilling to part with his capital when his separate right to it was not specifically recognized. There was always danger of loss, as under Henry VIII. of England, who three times obtained from his Parliament releases from the necessity of repaying moneys which he had borrowed from the merchants of London.

It is a peculiar and at the same time an instructive fact that free borrowing, on the part of the Government, has never been widely practised except by republics, or peoples possessing some form of constitutional government. The Republic of Venice is usually credited with having inaugurated the policy of public loans. Holland, in fighting for her independence, resorted to borrowing so freely that in 1714 her citizens were bearing a *per capita* charge of nearly eight dollars for the support of her debt. William III., who founded the permanent debt system of England, was the successful leader of the popular party, opposed to unconstitutional monarchism. Instances of loans among other peoples — as, for example, the French or the Spanish — do not possess the characterizing feature of modern borrowing; that is, a free-will transfer of capital to the State. They were rather forced loans, and thus in reality were no loans at all, but taxes collected with promise of repayment. At the present time, however, the spirit of Venice, of Holland, and of the Revolution of '98 has permeated the life of all



Christian peoples. Constitutionalism has become a fact, and all law is interpreted in view of the light which it sheds. The individual now conceives himself not only to be a part of the State, but at the same time a person separate from the State. He and the State may enter into a contract with each other, and he feels some degree of confidence that the contract will be fulfilled. His rights as an individual are as carefully defined as those of the State itself; his possession in property is, among the most enlightened peoples, as faithfully guarded. This is a condition necessary for borrowing which the nineteenth century has for the first time rendered general, and it is thus possible to say that in the philosophy of individualism lies the psychological basis of national debts.

2. An extended development of national credit was necessarily deferred to the present century, because not until this century has there been any such marked accumulation of capital funds that subscriptions to government loans of such proportions as the present generation has seen could possibly have been filled. A Government borrows capital, not money. Capital is the saved product of past industry; and if capital does not exist in the hands of the people, the Government cannot, of course, obtain possession of it. It is the discoveries of the explorers of the sixteenth and seventeenth centuries, and the inventions of the mechanics of the eighteenth and nineteenth, which have rendered possible such an expansion of public debts as is now seen.

If one considers again those nations which have previously resorted to loans, he will see that not only did those countries give constitutional guarantees to individuals for protecting them in the holding of private property, but also that those nations were either commercial or manufacturing nations. The loans of Venice were based upon the commerce of the island city; the loans of Holland rested upon Dutch trade; while the debt contracted by England, from 1776 to 1815, was only rendered possible, partly through her commerce but especially through the rapid growth of her manufactures. Under the conditions in which these nations found themselves, when called upon to support loans, not only was there a tendency for wealth rapidly to accumulate, but there was also a tendency for that wealth to concentrate itself in a few large funds rather than to distribute itself among the great mass of producers; and this was a condition highly favorable for the employment by Governments of their credit. At the present time this condition also has become quite general among the larger States. The production of wealth is very rapid; its distribution is very sluggish. The capital funds of almost all nations are increasing more rapidly than the opening up of new channels of investment. The ever-decreasing rate of interest is evidence

of this fact. Great capital funds have thus been accumulated, and it is an easy matter for Governments of all grades to become possessed of them. In these two facts, therefore, — the centralization of capital on the one hand, and the development of the right of individuals to it on the other, — lies the explanation of that which at first is the occasion of some surprise, that not until our own time could States have obtained such vast revenues by the employment of their credit, had they attempted it.

The second point of inquiry suggested by this recent unprecedented growth of national debts has reference to the political, the social, and the economic future which they are preparing for the world. The space of a single article will not permit a full discussion of all three of these points. I shall therefore confine myself to a consideration of the political tendencies embodied in the system of national borrowing, — a consideration which itself introduces three important questions for study. The first concerns itself with domestic politics and the influence of public borrowing upon the financial administration of constitutional governments ; the second concerns itself with international politics, and inquires respecting the influence which foreign borrowing will exert upon them ; while the third points out the necessity of some further development of American constitutional law respecting the payment of State bonds.

1. Of the first of these political tendencies one may say that an extended use of public credit tends to oppose the complete exercise on the part of the people of that control over expenditures with which constitutionalism has provided them. It is the purpose of constitutionalism to place in the hands of the electors the ultimate decision both as regards extent and method of expenditures and the means of raising a revenue. This it attempts to do by requiring those who primarily decide upon such questions to obtain an expression of approbation from the electors in presenting themselves for re-election. If the people recognize that a candidate who presents himself for re-election has given all his energies and all his votes to an increase of the public burdens, from which the public receives no adequate return and therefore deems unnecessary, — or that he has not given his influence and votes to the securing of proper control over the expenditure of moneys appropriated, — they will not be apt to continue their confidence in such a candidate or return him as their representative. The theory of constitutionalism places the ultimate decision respecting all expenditures in the hands of those who pay the bills ; but ignorance of facts often opposes the application of the theory.

With regard to direct and indirect taxes it is argued that the former are much more in harmony with a constitutionally constructed State



than the latter, because the people are conscious of a transfer of money to the Government when they pay it directly to the tax-collector; they are consequently sensitive respecting the demands of the Government, and inspect carefully the actions and projects of their representatives. By the invention of indirect taxes, it is claimed, legislators have found out a way by which to extract money from the people without their being conscious of the fact; and hence they do not scrutinize the public expenditures as closely as the perfect working of constitutionalism might require. There is some degree of truth in this claim. Were it possible for a government to be carried on by direct contributions, the healthful jealousy with which each individual would follow his payment might do much to secure only a demand for money for proper purposes, and a demand for only so much as is required. Direct taxes are, in this sense, more in harmony with constitutionalism than indirect. Indirect taxes certainly have a tendency to oppose the perfect working of a theory of government like that of the United States.

With how much more intensity may this reasoning be applied to the securing of public revenue by means of loans! A loan causes no immediate burden to the people, but produces a vast fund for the State. It requires a certain degree of thought to recognize that debts are burdens, and hence, by means of them, an administration may avoid too close scrutiny of its actions. Loans do not, like direct taxes, extract money coercively from the citizens, nor, like indirect taxes, raise the price of consumed articles. They rather address themselves to the interests of those who have control of capital, and, by the promise of a perpetual annuity, induce the holders of money to intrust it to the State. The administration is satisfied, since it has relieved itself of pressing necessities without exciting the jealousy of the people; the lenders are satisfied, since they have secured good investment for their capital and are not bothered with its management; while the people are satisfied, because of their profound ignorance of what has taken place. In this lies the danger, for constitutional peoples, in the use of loans. Their tendency is against that close scrutiny of the action of public servants which is the safeguard of the citizen taxpayer. All great financiers have recognized the strength of this consideration against the borrowing system. Even Colbert, breathing as he did the atmosphere of the court of Louis XIV., gave utterance to it. It is related of him by Pierre Clément, his biographer, that while returning from a consultation with the king, where the question under discussion had been that of providing means for a certain campaign, he turned angrily to Lamoignon, his fellow-councillor, who had given different advice from his own, and said:—

“You have triumphed, and you think that you have performed the act of a man of discretion. Do not I know as well as you that the king will find this money through loans? . . . *Let the road to loans be but once opened, what further means remain to arrest the king in his expenses?*”

Mr. Gladstone gave expression to the same idea when, upon the occasion of the Crimean war, he urged such an increase of taxes as to raise revenue for both peace and war expenditure within the year. Having argued against loans from the economical and financial standpoint, he submitted the following, which he termed a moral consideration against them:—

“Under such a system [referring to the borrowing system] the people do not really know what they are doing. The consequences are adjourned into the future. *What is desirable is, that they should know the price they are called upon to pay for the benefits they expect, . . . in order that that which they do they may do on intelligent and reasonable grounds, not deluding themselves at cost of bequeathing a charge on posterity.*”<sup>1</sup>

In view of this discovered tendency of public debts, it is the part of wisdom for a people who desire to realize as perfectly as possible the idea of constitutionalism, and who at the same time are so situated that loans appear a necessity, to strengthen the guards of their chosen institutions by whatever means that may be done.

2. The second political tendency embodied by public loans has reference to international relations as affected by international borrowing. This tendency, too, like the previous one, is capable of direct statement as follows: Widely extended international indebtedness gives to the larger and wealthier States such a claim upon the smaller borrowing States that they are practically reduced to dependencies; this, in its turn, tends to create jealousies among the larger States themselves, and thus serves as a new cause of international complication. Whether or not this tendency be condemned depends much upon the theory which one holds of political progress. That it makes for the realization of the cosmopolitan idea is unquestionable; at the same time, the kind of cosmopolitanism to which it leads does not appear to be of the most desirable type, since it tends to centralize power based upon arms rather than unify power based upon interests. I shall not, however, enter upon this discussion, but satisfy myself with stating as clearly as possible the position of international law respecting the claims of indebtedness, and with speaking of some of the international complications which have arisen out of the practice of foreign borrowing.

International law is very clear respecting the claims which one country may have upon another, arising from a failure to meet an obli-

<sup>1</sup> Hansard, 3d Series, vol. cxxxi., p. 375.



gation. Its position is very shortly stated. An unsatisfied claim is just cause of war. Says Vattel:—

“If one nation refuse to pay a debt, repair an injury, or give satisfaction to another, the latter nation may seize something belonging to the former and apply it to her own advantage, till she obtain the payment of what is due her, together with interest and damages.”

Such a seizure may not itself be considered a reprisal, but becomes a reprisal upon the subsequent refusal of the delinquent Government to give satisfaction; such a seizure, therefore, would hardly be made unless the aggressive nation were willing to support its action by arms. A claim, then, of such a nature that one nation would feel itself justified in making seizure of the property of another nation—and an unpaid debt creates such a claim—is recognized as just occasion for war.

This is a clear statement when the indebtedness is from one nation to another nation. How does the matter stand; as in the case of public loans, where the obligation does not lie between nations as such, but between a nation on the one side and individual citizens of a nation on the other? Would unsatisfied claims held by private persons against a foreign nation be recognized as a just cause for hostilities? The change of ownership in the property does not modify in the least the principle of international law respecting foreign indebtedness. Vattel may be again cited in support of this principle:

“Even the property of the individual is to be considered in the aggregate as the property of the nation with respect to other States. It, in some sort, really belongs to her, from the right she has over the property of her citizens, because it constitutes the sum total of her riches and augments her power. She is interested in that property by her obligation to protect all her members.”

Phillimore treats directly of the question in hand. He says:—

“The right of interference on the part of the State, for the purpose of enforcing the performance of justice to its citizens from a foreign State, stands upon an unquestionable foundation, when the foreign State has become itself the debtor of these citizens.”

In 1848 this question was raised in England, and Lord Palmerston, in a circular letter to the British ambassadors, stated clearly the claims of England respecting it. The following is quoted from that letter:—

“As some misconception appears to exist in some of those States with regard to the just right of Her Majesty’s Government to interfere authoritatively, if it should think fit to do so, in support of these claims, I have to inform you, as the representative of Her Majesty’s Government in one of the States in which British subjects have claims, that it is for the British Government entirely a question of discretion, and by no means a question of international right, whether they should or should not make this matter a subject of diplomatic negotiation. If the question is to be

considered simply in its bearing upon international right, there can be no doubt whatever of the perfect right which the Government of every country possesses to take up as a subject of diplomatic negotiation any well-founded complaint which any of its subjects may prefer against the Government of any other country, or any wrong which from such foreign Government those subjects may have sustained."

Further citation of authorities is unnecessary to show that when a sovereign State enters into a contract with a subject of a foreign State it gives just occasion for a declaration of war against itself if that contract is in any particular disregarded. A debt due from itself to its own subjects may remain unpaid, and there is no remedy ; but there is no such thing as the repudiation of a foreign debt, except with the consent or acquiescence of the Government of the creditor nation.

There is a single restriction to the exercise of this right of the individual to reclaim debts due from a foreign power, — a restriction which would appear at once to a constitutional lawyer, but which has been overlooked by some who have given attention to this subject, and which though not lying strictly within the argument of this article, may be not inappropriately stated here. It is this, — that no subject can *force* his own Government to make his claims against a foreign State the subject of diplomatic negotiation. If his claim be taken up at all, it is by the grace of his Government ; for he has no right to demand it, except so far as it is included in his right to demand protection. Indeed, there is no legal method provided by which such a demand could be preferred, and to provide one would require nothing less than the establishment of an international tribunal, where a State could be forced to appear as defendant. At present there is no court which can take cognizance of a breach of contract by a sovereign power.

A case arose a few years ago in the English courts<sup>1</sup> which illustrates this point. The Peruvian Government had borrowed money in England and mortgaged the proceeds of the sale of shipments of guano for the payment of the loan. The contract contained this stipulation: "That the Government specially and exclusively hypothecates the whole of the guano that shall be imported into the United Kingdom of Great Britain and Ireland, and the whole of the proceeds of such guano, after deducting expenses, to the payment of the interest of said bonds and a sinking fund for their redemption." The proceeds were otherwise appropriated, and a holder of the Peruvian bonds endeavored to find remedy in the courts. It was held that there was no remedy for an act done by a sovereign power in its sovereign capacity ; for if such proceedings were allowed, "it might alter the relation between the two countries, and enable a bondholder, by aid of the Court of Chancery, to declare war against a foreign country."

<sup>1</sup> Cited by Mr. Bradley Johnson, in the "American Law Journal," 1878.



It has been stated above that international borrowing has a tendency to make weak and poor States dependent on the strong and rich States, whenever the relation of debtor and creditor is established between them. From the foregoing statement of the position of international law respecting debts, the possibility of such a result may be recognized. It is now my purpose to glance at the financial relations at present existing between certain States to see if this possibility is realized. By way of example let us consider Egypt. She is, loosely speaking, a dependency of Turkey, although by the treaties of 1841, 1866, and 1873 she has become nearly independent of that power. She is, at the present time, deeply in debt. What may be termed national funded obligations—that is, obligations exclusive of the personal debt of the khedive and the floating debt—are estimated at \$450,000,000. Nearly \$400,000,000 of this sum has been contracted since 1863 under the administration of Ismail Pacha. Some idea of the weight of this debt may be determined when it is known that in 1878 three fifths of the entire Egyptian expenditure went to the support of the debt. The holders of these bonds are, for the most part, subjects of England, France, and Germany. It was to look after the prompt payment of these bonds that England and France were permitted to oversee Egyptian affairs by maintaining in that country officers known as Commissioners of the Public Debt, who were members of the Egyptian cabinet and clothed with certain defined powers. The presence of these foreigners came to be irksome to the Egyptians; and the khedive, in 1879, made a faint effort to rid himself of them. What was the result? The Chancellor of Germany turned his attention for a moment to Eastern affairs, and said practically: “The form of government in Egypt is nothing to Germany, but any move which looks toward rendering the prompt payment of moneys due to subjects of the empire uncertain will be considered a grievance.” England and France demanded and obtained the abdication of the khedive, and such a reorganization of the government as to place the control of Egyptian finances in their own hands. By the decree of November 10, 1879, the administration is, until further change, to be carried on under the supervision of France and Great Britain, each represented by a “controller-general,” invested with great powers. The text of the decree which defines those powers is as follows:—

“ART. 1. The controllers-general have full powers of investigation into every public service of the State, including that of the public debt. Ministers and all public officials of every rank are bound to furnish the controllers, or their agents, with all documents they may think fit to require. The Minister of Finance is bound to furnish them weekly with a statement of receipts and expenditure. Other administrations must furnish the same every month.

"ART. 2. The controllers-general can only be removed from their posts by their own Governments.

"ART. 3. The Governments of England and France having agreed that, for the moment, the controllers-general will not take the actual direction of the public service, their duties are limited at present to inquiry, control, and surveillance.

"ART. 4. The controllers-general take the rank of ministers, and will always have the right to assist and speak at the meetings of the Councils of Ministers, but without the power to vote.

"ART. 5. When they deem it necessary, the controllers may unite with the Commissioners of Public Debt to take such measures as they may deem fit.

"ART. 6. Whenever they may deem it useful, and at least once a year, the controllers will draw up a report on all questions for the khedive and his ministers.

"ART. 7. The controllers have the power of naming and dismissing all officials whose assistance is of no use to them. They shall prepare a budget; and monthly statements of all salaries and all resources shall be rendered to them."

The intent of these articles is so plain as to render comment superfluous. In still another way, however, have these two powers a claim upon Egypt. Of the two loans of 1854 and 1855, which Turkey contracted to meet the expenses of the Crimean war, the first was taken mainly by British subjects, and secured upon the annual tribute which Egypt paid to the sultan. The second loan was also secured by a mortgage upon the remainder of that tribute, and was further guaranteed by the Governments of England and France. Supposing, now, that Turkey should lose her personality as a nation, how would this mortgaging of the Egyptian tribute affect the latter country? Of course such an event would be attended by so many unforeseen contingencies that minute prophecy would be unwise; but one cannot think that the working of so desirable an event would be towards either the independence of Egypt or the loss of Turkish bondholders. Even now this tribute money is never seen by the sultan, but passes directly from Egypt to London, where it is placed on deposit to the order of Turkish creditors. The actual suzerainty of Egypt is now in Lombard Street, not in Constantinople, and the burial of the last of the sultans would not alter that relation.

It is possible that the case of Egypt is an extreme one for illustrating how dependent becomes a borrowing nation, which is also a weak nation, upon the people which lends it money. Still other cases scarcely less pertinent might be mentioned. The King of Greece, when he was elevated to the throne, contracted a heavy loan, which was guaranteed by England, France, and Russia. For several years the guaranteeing powers have been paying the interest upon the Greek debt; and in such a condition of affairs it can hardly be expected that the king and his ministers are entirely free to follow whatever policy may appear to them to be the best. Greece is a dependent nation, notwithstanding her constitution and elective franchise.



But perhaps the most humiliating of all cases which the present condition of nations presents is that of the little State of Tunis. She has among her state officials a French Inspector of Finance and six delegates or commissioners, not appointed by the Governments, but elected by English, French, and Italian creditors. There could not be a fact more pertinent to show what a tyranny individualism is preparing for the world, and how a principle, which abstractly considered is the most just conceivable, may, in its extreme workings, destroy the very claim to justice upon which it at first rested.

The second part of my statement respecting the tendency of public debts was, that as the dependence of the weak States on the stronger came to be more marked, this would create jealousies among the larger States themselves, and serve as a new cause of international complications. The acquiring of control by any great power over smaller States must necessarily increase its weight in the councils of nations ; and it requires no very extended knowledge of international relations to determine how this would affect the balance-of-power question which is the basis of European politics. The truth of this proposition, as applied there, needs no explanation, nor is it necessary to turn to Europe for practical illustration. The condition of many of the American States, and their relation to European powers, presents a series of possible international complications of far more interest to the United States.

Many of the Governments of Central and South America are debtors in large amounts, and their bonds are held in Europe. What shall be the attitude of the United States respecting such a relation ? Shall this country permit England and France, for example, to play the *rôle* here that they have assumed in Egypt, or shall it be allowed to European creditors to appoint government officials in any American republic ? The Monroe doctrine is all that could be opposed to such a movement ; but the Monroe doctrine has never been accepted as part of international law : it is only the expression of the sentiment of the people of the United States, and to obtain for it recognition may require an appeal to force. But this system of public loans, which is now being followed with such recklessness, may take from some American States their right, at international law, to exercise entire independence. The attempt on the part of England, France, and Spain to obtain some "material guarantee" for claims which those powers held upon the Mexican Government but foreshadows what is preparing. That attempt was futile for several reasons. The United States happened temporarily to have an army and a navy, so that the statement of the Monroe doctrine by Mr. Seward had some pertinency ; the bad faith of France, too, caused her allies to recede from the enterprise ; but, above all, the fact that the French claims

were spurious and manufactured for the occasion, took from Napoleon III. the sympathy of even his own countrymen, and rendered him the laughing-stock of Europe for thus endeavoring to introduce into the present century the politics of the court of Louis XIV.

The Monroe doctrine, from the standpoint of the foreign creditor, is out of harmony with international law, while, from the standpoint of this country, international law is out of harmony with the Monroe doctrine; and it will be the debts of the smaller American States, rather than the cutting of a canal under the direction of a Frenchman, which will give occasion for the further development of this doctrine and the more sure establishment of the claim of this country that America is to be ruled by Americans.

3. The third tendency which is embodied in this borrowing system, as was above stated, has reference to some further development of American constitutional law. The United States are made up of a union of separate governments of restricted sovereignty. The theory is that each State still retains all powers not delegated to the central Government. So far as the borrowing of money is concerned, both the central Government and the individual States possess that power in unlimited degree. In the exercise of this power many of the States of this Union have borrowed money from individuals, thus entering into contracts with them, and delivering to them bonds as evidence of debt. So long as these States live up to their contracts no question of interference arises; but let the ideas of repudiation once gain control of the councils of a State, and the necessity for some further development of constitutional law becomes apparent. Here is a grievance for which there is no recognized remedy; and a wrong without a remedy is out of harmony with the very idea of law. Nor can it be said that this is merely a personal question. Beyond a doubt it is of importance to the nation as a whole that each individual State should fairly meet its contracts. Public credit is public life, and the credit of the United States is not alone dependent on its own acts, but is affected by the standing of every one of its parts. It is for the interest, therefore, of every State that every other State be in some way obliged to meet its contracts. Now it is believed that whatever the technical language of the Constitution may be, its spirit, as well as the general trend of its past interpretation, will be found to be in harmony with the principle that whatever is of equal interest to all parts of the Union is a proper subject of national recognition by the Federal Court, if the means for its introduction before that tribunal be provided, and by the national legislature if it be a matter of which the court cannot take cognizance. The repudiation by a State of its obligations, when others than its own citizens are bondholders, becomes, in many ways, a national question. Once in our history, between 1840 and 1850,



the refusal of many States to meet their contracts brought this same question to public notice, but at that time the prevalent idea of State-rights would have resented any federal interference had it been attempted. Now, however, we profess to have reduced that doctrine to reasonable limits, and, upon just occasion, may expect such an interpretation or extension of constitutional law as will render this species of property secure.

There are two cases which may arise. The one in which the creditor is a citizen of the United States, but not of the repudiating State; the other in which the creditor is a citizen of a foreign country. As the Constitution was at first framed, any individual could bring suit against a State; but by the adoption of the eleventh amendment this remedy was withdrawn, for that amendment says:—

“The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.”

What remedy, then, has one who holds bonds of a defaulting State? In the case of a foreign citizen this remedy must cease by the rule of international law; that is, his grievance can only be taken up by his Government and made the subject of diplomatic negotiation. But with whom is this negotiation to be carried on? Certainly not with the State, for a State has no existence so far as a foreign power is concerned. The central Government alone can declare war, and hence has supreme control over all negotiations which may lead to war. The foreign power must lay its claims before the Government at Washington; and what a ridiculous position would our Government assume, if it should attempt to negotiate with a foreign State concerning a matter over which it possesses no recognized power! This borrowing system, if carried on, must lead to some further development of public law in this direction.

In case the creditor be a citizen of the United States but not of the delinquent State, the method of procedure is in the first instance not different. He, like the foreign citizen, is precluded from instigating suit against a State for breach of contract. He can only look to his State for protection, and it is very questionable, as law is now interpreted, whether his State can help him. Of course no diplomatic negotiation can be carried on, for such negotiation can be undertaken only between powers supreme as regards peace and war. There is but a single method of procedure, and that, in the present state of legal interpretation, is of doubtful constitutionality. Thus the State may accept an assignment of the repudiated claim, and in its own name enter suit in the Supreme Court. The State of New York during its last session passed a law which will probably test the con-

stitutionality of such procedure. This law is dated May 15, 1880, and is entitled "An Act to protect the Rights of Citizens of this State owning and holding claims against other States." It permits past-due and unpaid claims to be assigned to the State of New York, and the assignment to be delivered to the attorney-general, whose duty it shall be to "prosecute such action or proceeding in the name of the State of New York as shall be necessary for the recovery of money due on such claim." If this law is recognized as constitutional, there appears to be a remedy provided for this grievance arising from the repudiation by a State of its bonds. Its constitutionality, however, will probably be attacked upon two points, — first, that it is opposed to the spirit of the eleventh amendment; and, second, that up to this time the State has been recognized as supreme in regard to all contracts.

As was above noticed, the eleventh amendment secures to the State immunity from being obliged to appear as defendant before the Supreme Court when an individual is the plaintiff. The history of this amendment is interesting. By the Articles of Confederation power of judgment was delegated to Congress in all cases of dispute which might arise between the States, but that body was clothed with no power for the enforcement of its decisions. An amendment was proposed in 1781 to correct this recognized fault, but was never submitted for ratification. By the adoption of the Constitution a National Judiciary was created, and to this body were referred all "cases" and "controversies" of an inter-state or international character, and, among others which were definitely stated, controversies which might arise "between a State and citizens of another State." In the conventions for the ratification of the Constitution great objection was made to this clause because it took from the State its sovereignty; and this objection was only overcome by the statement of certain of the prominent advocates of the Constitution that it was not the intent of that instrument to bring a State before the Supreme Court as defendant in a suit instigated by a private person. A case quickly arose, however, subsequent to the adoption of the Constitution, which tested the strength of this position, taken by such men as Hamilton, Madison, and Marshall; and in this case it was decided that the natural reading of the clause was the constitutional one, and that an individual might sue a State in the Supreme Court. It was in view of this decision that the eleventh amendment was framed and adopted, for it was held contrary to the intention of the framers of the Constitution and an infringement upon the sovereignty of the State. Now the question respecting the New York law is, whether the Supreme Court will recognize the State of New York as principal in a suit which the attorney-general of that State brings on behalf of one of its citizens. Will not the individual be recognized as the actual owner of the



bonds and instigator of the suit? — in which case the procedure would be unconstitutional, because opposed to the eleventh amendment.

The second point of attack will be the assumption of the ground that a State is supreme as regards its own contracts. Says a legal writer, in discussing this question, "The case has never arisen in which a suit has been brought in matter of contract;" and there are many incidental expressions of opinion by the Supreme Court that the holder of a State bond holds it upon the good faith of the State alone.

But however this New York law may be regarded, it is certain that some means must be provided for the protection of property in the form of State bonds. The question to which this law gives rise is the one important question which still remains in American constitutional law. Its decision will close the formative period of American development, and whatever change then comes must be reformative in its character. If the New York law be pronounced unconstitutional, the result will be only to postpone the realization of the purpose of its framers. The bonded property of this country is too great, and the interests dependent upon it are too far-reaching, to permit any State to enjoy the power of repudiating at will its obligations. Moreover, the tendency at the present day is toward a great increase of this species of property, and the guarantee of its inviolability must increase proportionally. It is possible that land may again revert to the Government, that the transport industries, and all industries which from their nature require such a centralization of capital power as to be dangerous to the interests of the people, will come under control of the State; but in the realization of such a plan there must be a large creation of State obligations. However one looks at the trend of modern industries, he sees that incorporeal property must increase in importance, and this of itself is sufficient to establish my proposition, — that among the effects of the modern borrowing system lies a further development of American constitutional law.

From the considerations embodied in this article we must recognize the importance of understanding the method of financiering which the present generation for the first time has made universal.

HENRY C. ADAMS.

## THE SCIENTIFIC RELATIONS OF MODERN MIRACLES.

IN selecting the domain of disease in which to display his assumed supernatural power, the miracle-worker of the present day gives evidence of possessing that consummate practical wisdom which the thorough-going churchman has, in all ages of the world, employed for the advantage of his ecclesiastical system. To make a rose, at the word of command, bloom on a bush where rose had never bloomed before; to cause boiling water to congeal into ice by a wave of the hand; to convert a lump of lead into veritable gold by muttering a few words over it; to change a negro into a white man by sprinkling him with holy water,—are feats from which he instinctively shrinks, apparently appalled by the physical difficulties which confront him. But to make the dumb speak, the paralytic walk, the epileptic cease his contortions, the neuralgic rejoice in his freedom from the pain which has harassed him for years, are acts which he performs with the greatest ease. They are not only in themselves worthy deeds, but they are such as cause more astonishment to the average human being than would the melting of a silver dollar by imbedding it in a cake of ice. The miserable are rendered happy, and the glory of the Church is exalted.

To consider all the groups of so-called miracles which have been performed within the last few years would carry us far beyond the limits proper for a paper like the present, and would, besides, be more than sufficient for the elucidation of the principles to which we desire to direct attention. It will be enough if a somewhat detailed account be given of "Our Lady of Lourdes;" and if that be used as the text for the remarks we propose to make, what we shall have to say in regard to that apparition and its consequences will be equally applicable to the vision at Knock in Ireland, to the "Faith Hospital" in Massachusetts, and to various other establishments at which the healing of the sick by the direct interposition of Providence is asserted to be accomplished.

Bernadette Soubirons, according to the account given by M. Henri Lassere,<sup>1</sup> was the daughter of a poor and honest miller, and, at the time she began to be famous, was about fourteen years old. On

<sup>1</sup> Notre Dame de Lourdes, par Henri Lassere. Ouvrage honoré d'un bref spécial adresse à l'auteur par sa sainteté le Pape Pie IX. Soixante quatorzième édition. Paris, 1874.



account of the feeble health of her mother she was put out to nurse at a neighboring village, and had remained under the charge of the peasants who had brought her up, working hard as a shepherdess, and not returning to her home till a couple of weeks before the first appearance of the Virgin. She had some disorder of the chest which produced frequent coughing, was small for her age, and of delicate appearance.

On Feb. 11, 1858, her two sisters were sent by their mother to gather dry wood on the neighboring hills, and, after some importunity, Bernadette was allowed to go with them. On their way they had to cross the river Gave ; a mountain stream. Jeanne and Marie took off their *sabots*, and boldly waded across to the other side. Bernadette hesitated. She was the only one of the three who had stockings. She knew she was not strong, and the water was almost as cold as ice. However, encouraged by her sisters, she sat down on a big stone and began to take off her *sabots* and stockings. She had proceeded as far as the removal of both *sabots* and one stocking (there is nothing like accuracy in such things), when she heard a noise as if a strong wind were rushing by her ears. She thought it was a hurricane that had suddenly arisen, but, on turning round, saw to her surprise that the poplars which grew on the banks of the Gave were undisturbed. There was not the slightest agitation of their branches. Thinking herself deceived, but still not knowing what could have produced so strange a sensation, she again stooped down and began to take off the remaining stocking ; but, at the same instant, the roaring sound in her ears returned with redoubled violence, and again she was compelled to desist. Bernadette now raised her head, looked straight in front of her, and uttered a loud cry ; or rather, as M. Lasere says, she would have uttered a loud cry if she had not been choked with fear at the sight which met her eyes. She trembled violently, and fell to the earth terrified, dazzled, completely overcome by what she saw before her. Crouching on the ground, on both knees, she waited in the greatest apprehension for what was further to come. For in a niche, formed by Nature in the rock, she saw, with superhuman distinctness, a female figure of incomparable splendor. The ineffable light which emanated from her did not in the least hurt the eyes, though shining with as much brightness as the sun at mid-day. On the contrary it irresistibly attracted Bernadette's gaze, and seemed, in its delicious softness, like the light of the morning star in the freshness of the early dawn.

There was nothing fantastical or vague about this lovely being. She appeared to be a real woman, and one of the most surpassing beauty. She was of middle height, seemed to be quite young, and had all the grace of a girl of twenty summers ; but at the same time,

though the fact did not detract in the least from the delicacy and beauty of her form, there was an air of eternal grandeur about it which was in entire accordance with the fitness of things. For, mingled with the divine traits of her countenance were those features which seemed to typify the four stages of human life. The innocent candor of the infant, the absolute purity of the virgin, the tender maternity of the mother, the transcendent wisdom derived from the experience of accumulated centuries, were all at the same time expressed in the wonderful face of the young woman. Her face was oval, her eyes blue, her lips bore an expression of divine gentleness and love, her forehead appeared to express superior intelligence, — that is to say, a knowledge of all things united to a virtue without limit. The garments worn by this heavenly being were of an unknown material, and were doubtless, as M. Lassere says, manufactured in a mysterious workshop where lilies of the valley are made into textile fabrics; for they were as white as the immaculate snows of the mountains, and more magnificent in their simplicity than the gorgeous vestments worn by Solomon when in the height of his glory. Her robe, long and *en train*, fell in chaste folds, allowing her feet to be seen, as they stood upon the rock, pressing lightly a branch of eglantine. On each one of her feet, which were in a state of virginal purity, bloomed the mystical golden rose. In front a girdle, blue as the heavens and loosely tied around the body, fell in two long bands which almost touched her feet. Behind, enveloping in its fulness her shoulders and arms, was a white veil which was fastened about her head, and which reached to the lower border of her robe. There were no rings, no necklace, no crown, no jewels of any kind; no such ornaments as those with which human vanity in all ages has loved to decorate the Virgin. A chaplet, the beads of which were as white as drops of milk, and of which the chain was as yellow as the harvest corn, fell from her fervently clasped hands. The beads of the chaplet slid, one after the other, through her fingers, and her lips moved as though she were reciting her rosary; at other times she was apparently listening to the eternal echo in her heart of the angelic salutation, and to the murmur of the countless invocations coming to her from the earth. Each bead, as she touched it, was doubtless a shower of celestial graces falling on souls as the drops of dew fall on flowers. She was silent, but afterward her own words and the miraculous facts which occurred showed that she was the Immaculate Virgin, — the very august and very holy Mary, Mother of God.

Such is the account given by M. Lassere of the first appearance of "Our Lady of Lourdes" to Bernadette Soubirons. Considering the extreme degree of mental confusion into which, according to her own story, the girl was thrown by this extraordinary apparition, the



minuteness of the details she was able to gather is very remarkable. Nothing seems to have escaped her of the face, form, and dress of the heavenly figure. Yet we are told that, so great was her agitation, she could not, with all her efforts, make the sign of the cross ; but the Virgin, as if to encourage her, made the sign with infinite grace, and then disappeared from view.

Bernadette, after the fading away of the vision, experienced a feeling as though she were stunned. She looked about her. The river still flowed murmuringly on ; but the noise which it made seemed to be louder than before, the water looked darker, the landscape not so charming, the light of the sun less clear and bright. M. Lassere tells us that the duration of the vision was about a quarter of an hour ; not, he adds, that Bernadette was conscious of the lapse of time, but she judged by the fact that she had counted the five sections (*dis-aines*) of her chaplet, — a task which it is to be supposed, therefore, required fifteen minutes for its due performance. Completely restored to herself, Bernadette resumed the act of taking off her stockings which had been so suddenly interrupted, waded across the stream and joined her sisters, who were still gathering wood.

No one believed the story she told ; even her father and mother, and the curé regarded it as based on hallucination. After the appearance which has just been described, however, she made repeated visits to the grotto, and had several other interviews with the Virgin ; but though at some of these visions and conversations very many persons were present, no one ever saw anything unusual, or heard the words which it was asserted the apparition uttered. All they perceived was Bernadette on her knees, her face illumined with the light of ecstasy as she gazed towards the place where she declared she perceived the Virgin. On one occasion, two women went with her into the grotto ; but, though Bernadette saw the heavenly visitor, her two companions saw nothing but the kneeling Bernadette, whose countenance was again transfigured by ecstasy.

On one occasion the Virgin sent a message to the ecclesiastical authorities by Bernadette to the effect that she wished a church built in her honor near the entrance of the grotto. We are told that when this communication was delivered to the curé, the following conversation took place : —

“ You do not know the name of this lady ? ”

“ No,” answered Bernadette ; “ she did not tell me who she was.”

“ Those who believe your story,” continued the priest, “ think it was the Holy Virgin. But do you not know,” he added in a grave and menacing voice, “ that if you falsely assert that you have seen her in the grotto you will certainly never see her in heaven ? Here there is no one to question the truth of your tale ; but there it will be different, and you will, for your deceit and falsehood, be doomed never to see her, but to pass eternity in hell ! ”

"I do not know if it was the Holy Virgin," answered the child, "but I saw the vision as I see you, and she spoke to me just as you speak ; and I now say to you, for her, that she wishes a chapel to be erected to her on the Massabielle Rocks where she appeared to me."

The curé looked at the young girl who made this demand with so much assurance, and could not refrain from laughing at this strange message delivered by so humble and infantile an ambassadress. He conceived, like others, the idea that the child was suffering from an hallucination, and he commanded her to give him the exact words used by the vision :—

"After she had confided to me the secret which concerns me alone and which I cannot reveal, she added, 'And now go and tell the priests that I wish a chapel built for me on this spot.' "

The priest was silent for an instant. "After all," he thought, "it is possible." And then the thought that the Mother of God had sent a direct message to him, a poor priest, filled him with trouble and agitation. Then he looked at the child and asked himself, "Where is the guarantee? What is there to prove to me that it is not all a joke or an error? If the 'Lady' of whom you speak," he said at last, "is really the Queen of Heaven, I will, so far as may be in my power, aid in building the chapel ; but your word is not enough, and I cannot accept it unsupported as it is. I do not know who this 'Lady' is, and, before committing myself, I wish to be sure that there is no mistake in the matter. Ask her, therefore, to give me some proof of her power." The window was open, and the priest's eyes turned toward the garden, where he saw the growth of everything arrested by the cold of winter. "The apparition," you tell me, "had under her feet a wild rose-bush, the *eglantine* which grows on the rocks. We are now in the month of February. Tell her from me that, if she wishes the chapel, she must make the rose-bush bloom." And then he dismissed the girl.

At a subsequent interview Bernadette delivered this reasonable request to the apparition ; but the rose-bush did not bloom, very much to the disgust of the faithful and the triumph of the scoffers, who had assembled in great force to witness the expected miracle. Hundreds entered the grotto and examined it thoroughly, but nothing out of the way was found. It was an ordinary hole in the rock, and nothing else. A spring, however, began to be developed, and little by little the water increased in quantity, till finally it flowed from the grotto to the extent of a hundred thousand litres a day. Analyzed, it was found to contain chlorides of sodium, lime, and magnesia ; carbonates of lime and magnesia, silicates of lime and of alumina, oxide of iron ; sulphate of soda and carbonate of soda, traces of phosphates, organic matter,—just the substances which would have been found in any other water coming from the earth at that place, and, as the analytical chemist said, similar to other waters found in the department. Although frequently asked her name by Bernadette, the vision for a long time declined to reveal her identity. Finally, however, she declared herself ; and we quote the details of the interview in which



this was done, for the special benefit of those Protestants who accept the miracle while declining to see in it any proof of the intimate relation existing between the Deity and the Catholic Church, or any confirmation of one of the most essential articles of faith held by that church.

Several days before the event to be recorded Bernadette had heard a voice assuring her that something very important was about to occur. On March 21 she went to the grotto, followed and preceded by large numbers of people who had become aware that an interview was about to be had. Says M. Lassere:—

“As soon as the child fell on her knees the vision appeared as before, an ineffable aureola radiating from her whole body, the splendor of which was without limit, though the softness was infinite. It was like the eternal glory of absolute peace. Her veil and her robe, in its chaste folds, were as white as the driven snow. The two roses which bloomed on her feet had the yellow hue which is seen in the heavens at the early virginal dawn. Her girdle was as blue as the firmament.

“Bernadette, in the state of ecstasy into which she lapsed, forgot all earthly things in presence of Beauty without blemish. ‘O my Lady!’ she said, addressing the apparition, ‘who are you, and what is your name?’

“The royal apparition smiled, but made no answer. But at this very moment the Universal Church was addressing this prayer to heaven: <sup>1</sup> ‘O holy and immaculate Virgin! what praises can I raise to thee? In truth I do not know; for thou hast carried in thy bosom that which the heavens cannot contain.’

“Bernadette did not hear these distant voices, and knew nothing of their profound harmony. In presence of the silence of the Virgin she repeated her request: ‘O my Lady! will you have the goodness to tell me who you are, and what is your name?’

“The apparition appeared to shine with redoubled splendor, as if her joy increased, but she still made no response. And the Church throughout Christendom continued its prayers and its songs. [Here is a long prayer.]

“Bernadette renewed her entreaties, and for the third time said: ‘O my Lady! will you have the goodness to tell me who you are, and what is your name?’

“The apparition seemed to be more and more in a state of glorious happiness, and, as if entirely engrossed with her felicity, still continued silent. But, by an unheard of coincidence, the universal choir of the Church was raising on high a chant of joy to the terrestrial name of the wonderful apparition: ‘Hail, Mary! full of grace, the Lord is with thee! Blessed art thou among women!’

“Bernadette again uttered her supplication: ‘O my Lady! I pray you have the goodness to tell me who you are, and what is your name!’

“The hands of the apparition were joined in fervor, and her countenance shone in radiant splendor. It was humility in glory. While Bernadette contemplated

<sup>1</sup> M. Lassere makes this assertion repeatedly, apparently regardless of the fact that the earth revolves on its axis, and that, consequently, when it was noon at Lourdes it was earlier or later for every other point on the earth’s surface east or west of that place. The Virgin, therefore, for instance, heard the prayer from Vienna about an hour before it reached her from Lourdes, and from New York about five hours after. However, with miracle-workers all things are, of course, possible; but the bringing together of these sounds uttered, and to be uttered, at different places so that they should strike the ear of the apparition in the grotto synchronously, and at the same time not to disturb the harmony of the universe, involves the greatest expenditure of miraculous power of which we have any record.

the vision, the vision, without doubt, contemplated in her heart the divine Trinity, — God the Father, of whom she was the daughter; God the Holy Ghost, of whom she was the wife; God the Son, of whom she was the mother.

“At this last question of the child she unclasped her hands, while the chaplet of alabaster, like beads on gold threads, slipped lightly along her right arm; then she opened wide her arms and inclined them towards the ground, as if to show to the earth her virginal hands full of benedictions; then she raised them towards the eternal regions, whence had descended the divine messenger of the Annunciation, and then clasping them with fervor, and looking towards heaven with an expression of unspeakable gratitude, she pronounced these words: ‘I AM THE IMMACULATE CONCEPTION.’

“Having uttered these words, she disappeared, and Bernadette found herself face to face with only a barren rock.”

Now of course M. Lassere’s views relative to the relation of the Virgin Mary to the several persons of the Trinity are no part of the recital which Dr. Tyng and others like him are bound to accept. But in expressing his belief, as he does in the sermon before us,<sup>1</sup> in the reality of the cures, and that they were effected by means outside of those material ones employed by mankind, Dr. Tyng in the strongest manner indorses the claims set up by the Roman Catholic Church relative to the dignity, the glory, and the power of the Virgin Mary. For these miracles are not pretended to be any evidence of the power of God; they are done by the Virgin. *She* appeared to Bernadette; *she* pronounced herself the Immaculate Conception; *she* made the water flow from the rock; the church at the grotto is *hers*; the prayers for cures are addressed to *her*; and it is *she* who effects them. If these miracles then have anything at all to do with the Christian religion, they prove that faith in the Virgin Mary and prayers addressed to her are able to cure cases of disease which are beyond the reach of medical science.<sup>2</sup>

<sup>1</sup> The Mountain Movers, or, so-called Miracles. By Dr. S. H. Tyng. New York: 1880.

<sup>2</sup> In his Brief, commending M. Lassere’s book, the Pope, Pius IX., says: —

“We have faith that she who, by the miracles which witness her power and goodness, draws multitudes of pilgrims from all parts, will equally make use of your book to propagate still further and to excite towards her the piety and confidence of men, in order that all may partake of the plenitude of her graces.”

And, as an example of all the others, the following extract, from the recital of a cured patient, will not be without interest. (Lassere, p. 419.) The patient was blind, but had, at other times, recovered her sight to lose it again: —

“An ardent faith had seized upon my soul. When I had finished my preparations, I fell upon my knees again. ‘O Holy Virgin Mary!’ I cried in a loud voice, ‘have pity on me, and cure my physical and mental blindness!’ In uttering these words, with a heart full of confidence, I struck my eyes and forehead with the towel I had moistened with the water of Lourdes. This took me only about thirty seconds. But judge of my surprise, I had almost said fright; for hardly had I touched my eyes and forehead with the miraculous water than I felt myself cured with a suddenness that, in my imperfect language, I can compare to nothing but a stroke of lightning.”

If this is not mere idolatry and an exhibition of the power of the Virgin; if it is anything more than such a cure as ophthalmic surgeons are perfectly familiar with, — then what is it? It is certainly, to Protestant notions, incompatible with the ways of God.



Moreover, there is no middle course with miracles. The line can only be drawn at entire acceptance or thorough rejection. Logically, therefore, Dr. Tyng believes in the validity of all the claims set up by Bernadette and the ecclesiastics who indorse her, including the immaculate conception of the Virgin Mary. And it is not only a logical belief, but one demanded by the fitness of things in other respects ; for it is not to be supposed that God would indorse these things if they were frauds, by allowing the Virgin to usurp his omnipotence and other attributes, unless he approved the whole affair from beginning to end. Dr. Tyng must either accept the theory held by the Roman Catholics, or he must take the alternative of believing that God would countenance an imposition on mankind and a flagrant violation of the first commandment. But experience shows that theology and logic have very little in common ; and hence it would be rash to affirm what particular belief Dr. Tyng and other Protestants who indorse Bernadette, wholly or in part, entertain. That is their own business, and is certainly a question outside the pale of our inquiry ; still, if he and others who think with him *do* refuse their sanction to all parts of Bernadette's story, it is difficult to see how they differ in any essential respect from the man who, when told that the picture of Our Lady of Rimini had winked its eyes, declared that he accepted the miracle so far as one eye was concerned, but that requiring him to believe that both eyes had winked was a demand on his powers of faith which he could not pay.

A miracle may be defined as an occurrence or act which is contrary to natural law. As our knowledge of natural law is constantly enlarging, it follows that the domain of miracle is as systematically decreasing. When the time comes, if it ever should, in which our knowledge of natural law will be complete, the supernatural will have ceased to exist. Experience teaches us the absolute truth of this view. What were considered miraculous phenomena five hundred years ago are to-day known to be within the operation of natural law ; and things which many among us now conceive to be supernatural will, with the advance of science, be no more regarded as the special and exceptional acts of a superior being than are eclipses, comets, shooting stars, epidemics, etc., which, not very many years ago, were looked upon as miraculous warnings or punishments. The belief in miracles is only another mode of expressing ignorance ; and man instinctively takes refuge in the supernatural till his knowledge of the natural is sufficient to explain the events which are passing around him.

We conceive, therefore, that in endeavoring to ascertain the real character of a hitherto unknown phenomenon, or one only known to a comparatively small class, we are bound to explain it in accordance

with known natural laws if we can. Failing in this, the true philosophical course is to record the fact that a certain hitherto unknown occurrence, not referable to natural law, has been observed, and honestly to confess our ignorance of its cause. Time and study will probably reveal its real character and origin. If, however, we are superstitious, we can ascribe it to the power of the Deity exceptionally exercised for a specific purpose,—such as the building of a church,—and folding our arms, in the consciousness of wisdom, thank God for this new exhibition of his omnipotence. Now let us see if this principle can be applied to the case under consideration.

I. *The Apparition.*—The vision is explicable on the theory that Bernadette was subject to attacks of cerebral congestion. The circumstances of the first appearance, and the phenomena experienced by her, were such as were entirely consistent with this view. It ensued while she was in the stooping posture, a position which facilitated the flow of blood to the brain, and impeded its return. All writers on the subject of cerebral congestion and cerebral hemorrhage call attention to the danger which people predisposed to these affections incur by exciting themselves physically while in the stooping or bent-over posture. The present writer has witnessed many cases of both these disorders of the brain, produced by packing trunks, putting on or taking off the shoes or stockings, buttoning gaiter boots, picking up things from the ground, etc.

It is admitted that Bernadette was subject to some derangement of the heart or lungs which caused a difficulty of breathing. This would act as a predisposing cause of cerebral congestion. The symptoms of the attack indicate the existence of an increased amount of blood in the brain; the roaring sound in the ears, as if the wind were blowing furiously, was produced in the act of stooping to take off her stockings. As soon as she raised her head and looked around to see if it really were the wind, the sound ceased. When she bent over again, and attempted to remove the stockings, the roaring in the ears recommenced. It is evident, therefore, that it was caused by the act of stooping. An impediment, such as this, to the return of blood from the brain produces this sound in the ears. Any one can satisfy himself of this fact by pressing gently on the external jugular veins, or by raising the arms high above the head,—a movement by which the column of blood is thrown back upon the cerebral vessels; or he can cause it, especially if in weak health, by stooping over and making at the same time some slight muscular movement with the hands. In the stooping posture, such as was assumed by Bernadette, the large venous vessels of the trunk and neck are not only compressed, but the dependent position of the head allows the force of gravity to contribute to the retardation of the flow of blood from the interior of the skull.



Bernadette experienced a hallucination of sight, such as cerebral congestion is perfectly adequate to induce. Examples, almost without number, could readily be brought forward in support of the frequent dependence of hallucinations of the senses on variations in the amount of intra-cranial blood, especially its increase. The well-known case of Nicolai, the author and bookseller of Berlin, is exactly to the point. He had been in the habit of being bled twice a year, and his system had hence become accustomed to this drain, so that when it was omitted cerebral congestion followed. He was, moreover, disposed to attacks of vertigo, and his mind had been greatly disturbed by various unpleasant events. "On a sudden," he writes, "I perceived at the distance of ten steps a form like that of a deceased person. I pointed at it, asking my wife if she did not see it? It was but natural that she should not see anything. My question, therefore, alarmed her very much, and she sent immediately for a physician. The phantasm continued about eight minutes." At four in the afternoon he saw the same apparition again, and, being a little uneasy at the event, went to his wife's room; but the figure preceded him. Other phantoms made their appearance, and after a while they began to talk to him. Things went on in this way for several weeks, and then it was thought advisable to stop them. Accordingly, leeches were applied to both arms at eleven o'clock in the morning. At the time, the room was filled with human apparitions of all descriptions. Soon afterward they began to fade and to move more slowly, and by seven o'clock they were entirely white. They now seemed to dissolve in the air and break up into fragments. By eight o'clock they were all gone, and they never reappeared.

The influence of position in causing temporary congestion of the brain and hallucinations is well known to medical science. Thus Jerome Cardan relates that, while lying in bed in the morning after awaking, he saw a succession of figures, such as castles, houses, animals of various kinds, men, musical instruments, etc. As soon as he rose, so as to allow the blood to flow more readily from his head, the figures vanished. Nicholson<sup>1</sup> states that he was acquainted with a learned gentleman who, for nine months in succession, was always visited by a figure of the same man threatening to destroy him. It appeared only when he lay down, and instantly disappeared when he resumed the erect posture. In another place<sup>2</sup> the writer has referred to the case of a gentleman under his professional care, who could at any time cause the appearance of images by tying a handkerchief moderately tight around the neck. There was in this case one form which was always the first to come and the last to depart. It con-

<sup>1</sup> Journal, vol. vi. p. 166.

<sup>2</sup> Certain Conditions of Nervous Derangement. New York: 1881, p. 230.

sisted of a male figure clothed in the costume worn in England three hundred years ago, and bearing a striking resemblance to the portraits of Sir Walter Raleigh. This figure not only imposed on the sight, but also on the hearing; for it conversed well and at great length on the prominent questions of the day. As soon as the constriction of the neck was removed, the images disappeared and the conversation ceased.

A case is referred to by De Boismon't in which an individual was able to obtain hallucinations of sight by inclining his head a little forward. By this movement, the return of blood from the interior of the cranium was impeded, and hence a state of fulness favorable to the production of hallucinations was induced. The same author<sup>1</sup> cites the case of a servant girl who, while cleaning a staircase, — in a position therefore similar to Bernadette when she was taking off her stockings, — saw feet and limbs of so large a size that she fled in terror, without waiting for the further development of the vision.

A short time since, a case came under the observation of the writer which bears with great force on the one in point. It was that of a young lady, a devout member of the Roman Catholic Church, who, after a long period of severe study at school, became subject to hallucinations of sight. The visions were always exactly alike, as were those of Bernadette; and, like hers, consisted of the Virgin Mary in form, dress, and all accessories, not to be distinguished from the apparition of Lourdes. The figure only appeared at night, just as she knelt to say her prayers. When she rose from her knees the apparition disappeared. For a long time the young lady believed in the reality of her vision, and she was confirmed in her conviction by two or three female teachers to whom she mentioned it. Her priest, however, was much more cautious, and indeed intelligent. He ascertained that she had been reading M. Lassere's book, and had been very much imbued with the truth of the story told of Bernadette, and that she was not well. He therefore rather discouraged the idea of a real vision, and advised her to study less and to exercise more. However, the apparition continued, and she was brought to the writer by her mother, a Protestant lady, who did not for one moment accept the truth of her daughter's visions. Under suitable medical and hygienic treatment the apparition, in less than two weeks, ceased to appear. But the most interesting part of this history remains to be told. In the course of a year or so the young lady became a Protestant, and soon afterward had a relapse into her visional state. This time, however, she did not see the Virgin Mary, but Christ, who stood before her as soon as she had knelt down, and who remained visible

<sup>1</sup> A History of Dreams, Visions, Apparitions, Ecstasy, etc. American edition. Philadelphia: 1855, p. 58.



so long as she continued on her knees. With the change of religion there had been a change of hallucination.

A similar case, though one eminently more striking, is cited by Dr. Delitzsch,<sup>1</sup> Professor of Theology in the University of Leipsic : —

“In a moment of enthusiasm a girl who had fallen, after her first communion, into the somnambulic state, cried out that she saw such beautiful and glorious things ; and when the elders asked her what she saw, she answered, ‘God surrounded by the angels, the apostles, and Mary !’ The same girl was subsequently thrown by magnetism into the somnambulic state by a friend of the elders, who was a Voltairian ; and when he asked the ecstatic patient what she saw, she replied, ‘God accompanied by his two apostles, Voltaire and Rousseau.’ ”

And this opens up the whole subject of the determination of the character of the vision in those who, from cerebral congestion, — as was probably the case with Bernadette, — or other cause, are subject to hallucinations. Experience tells us that, like dreams, they depend upon previous mental impressions. They hence result from things that have been seen, either in actual form or in pictures, or from the mental images which are formed from descriptions. Thus, for instance, before the discovery of America no European had ever the hallucination that an American Indian stood before him. There was no way by which he could previously have obtained the slightest idea of the appearance of such a being. But after the return of Columbus, Indians, or pictures, or descriptions of them were common, and then hallucinations and dreams of them began to prevail.

So it was with the patient whose case has just been cited. While her ideas and associations were with the Roman Catholic Church she saw the Virgin Mary ; but when she became a Protestant, Mary disappeared, and the image of Christ took her place. In the instance of Dr. Delitzsch’s girl, while her mental impressions were chiefly derived from the elders, and she was influenced by the fact that she had just taken the communion for the first time, she saw God with angels, apostles, and Mary. But when she went to him with a freethinker, where she heard conversations about Voltaire and Rousseau, and probably saw busts and pictures of them, her mental impressions were changed, though the exactness of her knowledge was not greatly increased ; and then her vision was of God and his “apostles” Voltaire and Rousseau.

So far as dreams are concerned, every one knows from experience that Locke was right when he said that they consist of the thoughts and images which have occurred to us in our waking moments ; and science tells us that the same is true of apparitions. In a very interesting little work,<sup>2</sup> written many years ago, Dr. Ferrier was the first

<sup>1</sup> A System of Biblical Psychology. Second English edition. Edinburgh : 1875, p. 367.

<sup>2</sup> Essay towards a Theory of Apparitions. London : 1813.

to insist on the truth of this view, and to adduce many examples of its correctness; since then no competent authority has ventured to question it. A striking illustration of its truth occurred to the present writer a short time since. A gentleman was in the habit of voluntarily producing hallucinations by the use of Indian hemp, — a substance which acts mainly by augmenting the quantity of intra-cranial blood. He always took his potion in the evening after dinner, and then the procession of apparitions began to pass before him. First — and these were very distinct — came the figures of persons he had seen and conversed with late in the day. Then came others, and less clear, whom he had met earlier; and, finally, those he had encountered still earlier, and they were faint and indistinct. He could at any time produce any particular apparition by attentively looking at a picture late in the afternoon, or reading a vivid description of persons or events.

Besides having attacks of cerebral hyperæmia or congestion, Bernadette was subject at the same time to paroxysms of ecstasy, of which the hyperæmic condition of the brain was the initial and causative condition. Ecstasy is one of those hysteroid affections of which catalepsy and hystero-epilepsy are others, and which are manifested as mysticism, stigmatism, fasting girls, etc. Among the most celebrated ecstasies have been St. Catherine of Vienna, St. Therese, Joan of Arc, St. Francis d'Assisi, Louise Lateau, the stigmatized Belgian girl, and we must now add Bernadette Soubirons. Ecstasy, though closely allied to catalepsy, differs from it in several important particulars, chiefly in the fact that the ecstatic recollects the train of thought which has been going on and the images which have been seen, and speaks of them on emerging from the paroxysm. Besides, in ecstasy there is rather muscular immobility than rigidity, although this latter is sometimes present as in catalepsy. The eyes are open, the lips parted, the face is turned upward, the hands raised as if to heaven, and the body if erect stretched out to its full height; if kneeling, inclined forward to the utmost extent; if recumbent, extended to its extreme length; and sometimes, but only with Roman Catholics, the feet crossed, and the arms placed at right angles to the body as in crucifixion. At the same time a peculiar expression of joy lights up the face; and this is the radiance spoken of by M. Lassere and by camp-meeting and revivalist preachers, ignorant of the symptoms of the affection in question.

The phenomena exhibited by Bernadette, while in the grotto, are exactly in accordance with those which all ecstasies, before and since, have displayed. If her ecstasy was special and miraculous, so was that of Ler, whose remarkable case has been so well described by M. Bourneville,<sup>1</sup> and of Miss Narcissa Crippin, and Rachel Baker, and

<sup>3</sup> Louise Lateau, etc. Paris: 1875, p. 13.



Marie Sonet, and Catherine Laporte, and thousands of others witnessed every day and in former times among Calvinists, Camisards, Pre-Adamites, Jumpers, Anabaptists, Bemoaners, Sanguinarians, Tremblers, Shakers, Devil Dancers, etc. There is no distinguishing feature between them except as regards the character of the apparition, which is always in accordance with the mental impressions most powerful with the subject. Now, relative to the apparition seen by Bernadette, we have endeavored to show why she had an apparition. Why it assumed the appearance of the Virgin Mary scarcely requires further consideration, when we reflect that Bernadette was especially devout, and that the image she saw was exactly such as she was perfectly familiar with from historical representations, statues, medals, etc., which in that part of France are met with on every hand. There was probably no one person or thing of which she had formed so clear and fixed a mental image as she had of the Virgin Mary.

In treating of the appearance seen by Bernadette, an important point seems to have been overlooked by the historians. They dwell with great unction on the circumstance of the miraculous apparition and of the supernatural powers of vision given to Bernadette. But they disregard the still greater miracle,—the deprivation of the sense of sight from which all the thousands who accompanied her to the grotto suffered. For if there was a real figure in the grotto, it was certainly an astounding miracle that no one could see it but Bernadette. And in this fact we have, it seems to the writer, an irrefragable argument against the actuality of the vision. If it was not a reality, it was a figment of the imagination of a sick girl. If it was a reality, others as well as she would have seen it,—unless we are to be told that thousands of additional miracles were performed for the purpose of bolstering up one.

2. *The Water of Lourdes and its Cures.*—The general physical character of the water which flowed from the grotto after the apparition refrained from performing the miracles which had been demanded, has already been described. From a quantity of it in the possession of the writer, it is found to be clear, to have a specific gravity of 1,002, the taste to be slightly alkaline, and rather agreeable than otherwise. It would be regarded by most people as a good drinking-water. For therapeutical purposes it is applied either to the external surface of the body or taken as a drink. It is contended that, though its virtues are not lessened by transportation, it is better for the invalid to go to Lourdes, if he possibly can, as an act of faith highly acceptable to the Virgin.

Undoubtedly a great many persons have recovered, sometimes instantly, after using the water of Lourdes. It is equally a fact that many more have received no benefit whatever, and there are still

more in whom the improvement has been but temporary. These two latter classes are not regarded by the faithful, or even by themselves, as proper tests of the curative influence of the water. When it fails, it is from the depth of iniquity of the patient, or a lack of sufficient faith. When a relapse takes place in the physical condition of the apparently cured person, it is because that person has committed some sin, or otherwise fallen from grace. Hence it is difficult, if not impossible, to convince superstitious and ignorant persons that all the effects ascribed to the water of Lourdes can be just as readily obtained in like cases by other apparently inactive means if the subject will bring to bear the same amount of faith in the one case which is exercised in the other.

The writer knows that there are in France and throughout Europe thousands of apparently sincere Christians suffering from various diseases who have honestly and devoutly used the water of Lourdes without receiving the slightest benefit. In the orthodox books written on the subject of Bernadette's vision and its results, and in the accounts given by the ecclesiastics and their followers at Lourdes, these cases are never mentioned ; while every hysterical or otherwise neurotic case in which recovery took place is prominently brought forward, the symptoms exaggerated to make the cure more wonderful and even the character of the disease changed to one of graver import with the same object. He knows, too, what is the sentiment among the most distinguished members of the medical profession in France relative to the real value to be placed upon the effects of the water of Lourdes ; and he moreover has ample data within the range of his own experience to establish the fact that the influence is directly the result of the expectant attention bestowed upon it by the patient, and in nowise due to any inherent quality of the water itself. It ranks, therefore, with the royal touch for "king's evil," which, beginning with Edward the Confessor of England, lasted down to Queen Anne, — Dr. Johnson being among the last to receive this great favor. So strong was the belief in the efficacy of the touch of a sovereign to cure scrofula, that a form was actually incorporated into the Book of Common Prayer, and remained there during a portion of Anne's reign. But what has become of the royal touch ? With the extension of knowledge, this miracle has gone the way of thousands before it and of thousands which will come after it.

But to come to the writer's own experience. For several years he has had the opportunity from time to time of receiving bottles containing the water of Lourdes. One of these, holding about four ounces, was given to him by one of his patients, an estimable Roman Catholic priest, who obtained it at Lourdes ; and this, as being the most authentic, was the one employed in the case now to be de-



scribed. A woman of about thirty years had for over eight months suffered from a very distressing spasmodic affection of certain muscles of the neck, by which her head was strongly rotated to one side, so that she was constantly in the position of one trying to look over the shoulder. Not only was the position uncomfortable, but it was attended with considerable pain, and she was therefore kept in a continued excited and "nervous" condition. When the writer saw her she had already been treated with those means which are most efficacious in the disease in question, and he was consulted mainly for the purpose of getting his opinion in relation to the propriety of relieving the contraction by a surgical operation, and, if deemed advisable, of performing it. One morning the patient, who was a devout Roman Catholic, expressed her great regret at being unable to go to Lourdes, or to obtain any of the water from the grotto, for she was firmly convinced that if she could be subjected to the influence of this holy liquid, her cure would be at once effected. Being at the time engaged in some experiments relative to the influence of magnets, the efficacy of which was supposed, and perhaps properly, to be entirely due to expectant attention or faith, the writer determined to see how far supreme faith would go in producing a cure in a case such as that before him. He accordingly informed the patient that he had some of the water of Lourdes, and another water which had produced marvellous results, and which in his opinion was preferable to the other. This last was called *Aqua Crotonis*. Both were at her service; but she was strongly advised to try the *Aqua Crotonis* instead of the water of Lourdes. She evinced the utmost joy and eagerness, exclaiming that now her restoration was assured, and that she would not submit to an operation. She begged hard for the Lourdes water, but the writer insisted that for two days she should try the *Aqua Crotonis*; and that then, if this was ineffectual, she should have the water of Lourdes. After many entreaties to be allowed to begin with the Lourdes water, she consented to try the *Aqua Crotonis* first. The writer then went into an adjoining room, took some of the genuine Lourdes water, poured it into another vial, labelled it *Aqua Crotonis*, and gave it to her. She at once applied some of it, as she was directed to do, to the affected muscles, though, as she said, without the least hope or expectation that it would do her the slightest good. She went away still begging for the Lourdes water, not suspecting that she had two ounces of the genuine article in her pocket.

According to appointment, she returned. She had rubbed the part several times each day with the water I had given her, but the result, so far from being favorable, was directly the reverse, — as was very evident not only from her own account, but from the appearance of the neck and head. For, instead of having had hope to aid her, she had

been the victim of despondence, and her expectant attention, so far from having been on the side of a cure, had been diverted in the opposite direction. "She knew the *Aqua Crotonis* would not be effectual." Of course, the result had been exactly as the writer had anticipated, the water of Lourdes having been shown to possess no healing virtue aside from that derived from expectant attention, — a quality which it shares with bread-pills, colored water, metallic tractions, etc., when faith is put in them. He determined, however, to perform upon this patient the converse experiment of giving her Croton water, and leaving her under the strong conviction that she was *now* receiving the water which, at the command of the Blessed Virgin, had flowed from the grotto at Lourdes. He accordingly placed an ounce of water, drawn from the tap, in a vial, and labelled it "Water of Lourdes, Feast of the Annunciation, 1879;" and, with apparent reluctance to part with even so small a quantity of so precious a liquid, gave it to her. She received it with most profuse thanks, and left the house announcing her intention to use it as soon as she reached her home. It was then about eleven o'clock in the morning. At half-past one she rushed into the consulting-room exclaiming, "I am cured! I am cured! See what the Holy Virgin has done for me!" And she *was* cured. The contracted muscles were relaxed, and she could turn her head as well in one direction as another. The Croton water, as the medium of her expectant attention, had effected what to her seemed a miracle.

Two other cases of contracted muscles and one of chorea have, in the writer's personal experience, been cured by Croton water which was thought by the subjects to be the water of Lourdes; and in no one instance has the latter, when its real character was concealed (and this was always done), caused the slightest improvement.

Such cases as these are familiar to educated physicians, who perceive every day in their private practice or in the hospital wards how strong a therapeutical factor is any ruling idea which for the time sways the mind of the patient towards the wished-for result. They have seen diseases yield to the clinical thermometer, placed under the patient's tongue, and which was mistaken by him for a mysterious instrument of cure. They have known common water, through which a person had seen a galvanic current passed, and which of course had not been changed thereby, produce violent purging through the influence of the suggestion that such would certainly be its action. They have witnessed the sensibility of the skin so thoroughly abolished that it could be punctured or burned without the least sensation of pain being felt, and this through the expectant attention excited by what the subject thought was the bone of a saint, but which in reality was only a piece of a tooth-brush handle. They are acquainted with hundreds of other examples in which the suggested result has been pro-



duced apparently by means equally inefficacious, but in reality by a force which is scarcely yet reckoned at its full value.

But all these cases belong to one class ; the class which is peculiarly susceptible to the influence of time, of emotional disturbances, or of other strong mental impressions. None have been of what are called organic diseases. The water of Lourdes has never cured a broken arm in a day, or caused a dislocated thigh-bone to slip into its socket, or made an amputated leg grow out again, or saved a patient with an aneurism of the aorta about to burst, or healed an ulcer sooner than any other water, or removed a tumor, except perhaps those phantom ones to which hysterical women are subject, or cured a case of Bright's disease, or of cirrhosis of the liver, or of organic disease of the heart, or of general paralysis of the insane, or even produced an eversion of an ingrowing toe-nail. Its whole history is the old story which pervades medical literature from end to end, and which will be told again and again in some form or other so long as women become hysterical, ecclesiastics desire churches built, or ignorance prevails among the laity. Even within the last few years we see this process going on. The plaster of the church at Knock, in Ireland, on which the image of the Virgin is said to have been seen, is already performing a notable part in the therapeutics of certain nervous diseases, and with just as much legitimate success as the water of Lourdes, and according to exactly the same principle. Of the truth of this the writer has abundant personal experience. "Faith cures" are effected in Massachusetts, and a "faith hospital" is said to have been established. Doubtless the vision of the Virgin at Father Ignatius's abbey would have healed many if the appearance had not, to the great disgust of Father Ignatius and his other Protestant monks, been shown to be only a reflection from a stained-glass window. The writer is willing to go as far as the farthest to support the validity of "faith cures." But he knows, as well as he knows anything, that it is not a matter of the slightest consequence what the thing is in which faith is put, — whether it be a piece of the rope with which a murderer was hung, or powdered snakes and lizards, or the dried blood of a witch, or the moss grown from a dead man's skull, or (and we say it with due reverence) prayer to God, or even to the Devil, — for he has his worshippers in India, and miracles are done in his name. It makes no difference ; one is just as efficacious as the other. And it is in the highest degree unphilosophical, illogical, and narrow-minded to restrict the action of the great principle of expectant attention, or faith if the name be preferred, to the narrow limits of some religious creed.

WILLIAM A. HAMMOND.

## IRELAND.

## II.

WHILE expressing my doubts of the reality of the strength of the demand for local legislative independence in Ireland, whether on the part of politicians or of the people, I have admitted that there is at least one subject on which Irish complainants are serious and in earnest. This subject is the tenure of land. Protestants of the north and Catholics of the west and south are alike dissatisfied with the existing law of agricultural occupation. The grievances of Ulster men may differ in form from the grievances of the men of Munster and of Connaught, and they may pursue their agitation for reform by different methods and in a different spirit, but the root of their discontent is the same. They allege that, despite the remedial legislation of 1870, the occupier of agricultural lands remains subject to the caprices and the injustice of the owner, who always has the power, if he does not always use it, of exacting from the tenant a rent which leaves him at the verge of starvation, and who may at short notice confiscate to his own use the improvements which the wretched peasant has made in his holding during his occupation of it. It is admitted that Mr. Gladstone tried to cure these evils in 1870. The law he passed through Parliament did in terms secure to the tenant compensation for his improvements whenever he quitted his holding, and moreover compelled the landowner to pay the tenant a relatively considerable penalty, if he evicted him in the absence of reasonable causes, such as the non-payment of the rent he had agreed to pay. It was thought at the time that these provisions would insure the Irish tenant against the treatment to which he had long been exposed, and from which he had too often suffered. There were indeed critics who pointed out in 1870 that some of the safeguards offered by the Act were insufficient for the purposes they were designed to fulfil, but the spokesmen of the tenants in Parliament and elsewhere appeared to be satisfied, and these warnings were uttered in vain. After ten years we find the Act denounced by the latest agrarian agitators of Ireland in language devoid of moderation as of accuracy. It is however true that now, as heretofore, rent is a word which excites the Irish peasant to a temper of passion, and, at times, to deeds of madness. Rent underlies all forms of political agitation. A promise of security of tenure at fair rents will at all times enlist an enthusiastic army in its support. The bolder promise that rents shall be altogether abolished is not too bold for the hopes of Mr. Parnell's most thorough-going followers. Such projects of legis-



lation must appear strange to the citizens of the United States ; but after all is said, it cannot be denied that the rents payable for the several holdings of Ireland have been settled by agreement between the several tenants on the one side and the landlords or their agents on the other. However great the need of the peasant when he consented to pay the rent from which he would now escape ; however keen the competition between himself and his fellows for the privilege of occupying the acres he cultivates, — it is still true that he did consent to take and to hold his farm at a definite rental, under no other compulsion than that which attaches to every workman seeking employment in the market when the workmen in quest of employers are in excess of the employers in quest of workmen. A law authorizing a revision of the rents thus agreed upon, and still more a law commuting them forever, without giving the landowner the option of terminating the agreement altogether by re-entering upon his lands, would obviously be a law of the kind forbidden by the Constitution of the United States, as being in derogation of existing contracts. It will be seen that I do not regard the principle of the objection thus raised to such propositions as insurmountable ; but I am entitled to refer citizens of the United States to their Constitution, and to ask them not to judge too hastily Englishmen and Scotchmen who may appear slow to assent to proposals which the founders of that Constitution implicitly condemned.

Before proceeding further let us consider some of the facts relating to the occupation of land in Ireland. There are within the island something like 530,000 separate occupiers of land. With few exceptions these will all be heads of families ; most of them will be married men with wives and children about them. It may be estimated that the numbers of the people directly dependent upon the occupation of land will not be less than 2,650,000, and may possibly be as high as 3,000,000. The total population of Ireland in 1871 was a little over 5,400,000, from which it continuously declined till 1875, when it was 5,300,000 ; since which, owing to the cessation of emigration, it has increased again and is now estimated at 5,360,000. We may fairly say that one half of the population of Ireland are dependent upon the agricultural occupation of land ; but we must add some more facts illustrative of the present situation. Out of the 530,000 occupiers of land, very nearly 50,000 have holdings not exceeding one acre ; nearly 60,000 have holdings over one acre but not exceeding five acres ; 146,000 more have holdings between five and fifteen acres ; and 123,000 have holdings exceeding fifteen but not exceeding thirty acres. The result is that nearly 379,000 occupiers out of the total of 530,000 do not hold as many as thirty acres of land. Once more, if we turn to Connaught alone, where the land is for the most part

wretchedly poor, and the population per household exceeded five and a half at the last census, we find that out of 118,000 occupiers of land 6,895 had holdings not exceeding an acre, 13,340 not exceeding five acres, 45,400 of the next grade not over fifteen acres, and nearly 32,000 in the next not over thirty acres, — or no less than 97,581 out of the total of 118,000 with holdings not over thirty acres, while 65,700 did not go beyond fifteen acres. In connection with these figures of the small holdings in Ireland, and especially in the westernmost province, let me quote the language of Mr. Tuke, a most worthy member of the Society of Friends, who, having visited Ireland as an almoner of that Society in 1847, revisited it this last spring on a similar mission. He wrote in May :—

“ It is of the utmost importance to realize the fact that farms under ten, fifteen, or twenty acres of land, according to its quality, are too small to support a family. It matters not whether a man has fixity of tenure, or being a peasant proprietor has no rent to pay, he cannot, unless he has some other source of income, live and bring up a family on the small farms under ten or fifteen acres of land which form so large a proportion of the holdings in the west of Ireland.”

We thus arrive at one of the first facts to be noted, that there exists in Ireland a very large number of occupiers of land in the possession of holdings which are too small to afford them and their families a living without help from other resources. This appears to be pre-eminently true of Connaught, but an analysis of official figures would show that it is true, in nearly the same degree, of the west of Ulster, and of a large part of the southern province of Munster. The evil is indeed in a gradual, in late years a too gradual, course of abatement. In 1841, before the famine, the deaths that accompanied it and the exodus that followed, there were in Connaught, where there are to-day about 14,000 holdings of between one and five acres, more than 100,000 of this diminutive character, or about seven times as many as there are now.

That the west of Ireland is at present overloaded with a population too numerous in proportion to the subsistence they derive from the soil, is a proposition seriously contested by no one. Remedies for the evil, more or less consistent with the maintenance of the same numbers on the land, have indeed been proposed; but before noticing them it may be advantageous to call attention to the consequences which actually flow from the evil which is recognized as a fact. With a people pressed and crowded on too limited a breadth of soil, there is inevitably the keenest competition for the possession of the lands under occupation; and it may be almost said that no agreement is too wild to be accepted by the peasant who wishes to be put into possession, no terms are too harsh to be submitted to by the man who is in possession and must otherwise give up his holding. The



agreement or so called agreement is made ; the question of keeping it belongs to a distant future. I would not however have it understood that the owners of land in Ireland do generally, either by themselves or their agents, impose impossible terms upon their tenants. There are such cases, and they are numerous enough to excite strong feelings and to support agitation, yet they are comparatively rare. The practice is of a different kind, and to understand it we must go back to a period a little before the great social and economic revolution which followed the potato famine. Before that time the great proprietors either managed their estates by agents or by middlemen ; but besides these there were a large number of smaller proprietors — the Irish gentlemen of innumerable novels — who lived in their mansions surrounded by their tenantry. The estate of a large owner in those days, managed by himself personally or by an agent, furnished the ideal of social relations to which the Irish peasant still looks back. His lot was in truth worse than it commonly is to-day. He lived in the same filth, in worse rags or absence of rags, his hovel was worse, his food was not ampler nor of better quality ; but he was left to himself so long as he paid all he could afford in the way of rent. His children were allowed to squat about him, and the land was divided and subdivided ; but no one interfered so long as rent was forthcoming from all. Every tenant recognized the duty of paying what rent he could, and he did this without quarrelling with the misery of his life, for neither he nor his forefathers before him had ever known anything better ; but while he paid rent he expected not to be disturbed, and to be excused in years when rent was impossible. This was the tenant under his best conditions. When the great proprietor let his estates to a middleman, or when the proprietor was a squireen hopelessly extravagant and embarrassed, the lot of the peasant was indefinitely harder. A middleman, according to a celebrated definition, having bamboozled one party plunders the other. His greed and the necessities of the penniless “gentleman” drew them to follow the same course of rackrenting the tenants to the uttermost. The latter were allowed and even encouraged to subdivide, for subdivision brought increased rentals, but no intermission of pressure ever visited them. Yet many a tenant looks back to the drunken, extravagant, reckless, rackrenting squireen as the Indian ryot looks back to the Rajah whose capricious tyranny made his principality a desert, partly under the glamour of the imagination which retains the past, partly because of a feeling of affinity of race, or of tastes, or of vices with this coarse and brutal rent-receiver. The potato famine and the Encumbered Estates Court cleared Ireland of a large number of these smaller gentry, and awoke the larger holders to a feeling that they owed some duty of supervision to the tenants on their estates. Mid-

lemen and their leases have practically disappeared. The present landowners of Ireland may be roughly divided into two classes. The first contains the survivors of the large proprietors of hereditary estates, and of those later comers who walk in their ways. These men are content to receive from the tenant what they think he can pay and ought to pay, having regard to all the circumstances of his holding; and they refrain from exacting the uttermost shilling he could be brought to pay. On the other hand rules of tenure, known as office rules, are strictly enforced, having for their object the prevention of sub-letting, of subdivision, of letting in conacre, and other evil practices of the easy-going past. Tenants not unfrequently chafe under these restrictions, especially as a prohibition of subdivision often acts as a check on the marriages of their children, and the landlords who enforce them have been sneered at as attempting to play the part of "petty Providences" on their estates; but those who raise this sneer are probably equally ignorant of the condition of the peasantry before the famine, and of the strong tendency there is among them to slip back into it. The second class of landowners consists of men who have bought their lands out of the Encumbered Estates Court as commercial investments, and propose to administer them on the strictest commercial principles. Some of them have used their powers at every opportunity to clear their estates of the smallest holders, and to introduce in their stead farmers with skill and capital better qualified to make the most of the lands they hire. Others, and the greater number, are content to retain the tenants they find in possession; but they wring out of them promises of the utmost rents that can be suggested, — often of rents that cannot be paid. This they have done with little or no regard to the circumstances to which I must next advert; and it is mainly owing to the unrestrained use they have made of their powers that the passion of the agrarian agitation in Ireland is due. It will however be observed that the subjection of tenants to their power has its origin in the fact of the relative excess of tenants, the competition between them preventing each from protecting his position either by stipulation before entering upon it, or by declining to accede to new terms after he has assumed it.

I have said that the new purchaser is too often tempted to look upon his purchase as an investment of money for which he desires to obtain the greatest return of interest; and hence he enhances or tries to enhance the rental without regard to the previous circumstances of the several tenancies. There is one circumstance to be especially noticed among those he is tempted to neglect. The poorest holding must be in some measure adapted to agricultural occupation, and Irish tenants claim that whatever adaptations or improvements have been



made in their lands have been made by themselves and by themselves alone. The claim thus stated cannot be received in all its universality ; but it is true that the greater part and the greater number of the improvements which have been made have been the work of the tenants, and the proportion of the tenants' share in them has been greatest when the land is worst and the holdings poorest. It is the tenant who has cleared the land of stones ; it is the tenant who has trenched the bog and pared down its surface until a subsoil is reached that will bear some feeble crop ; it is the tenant who has put four walls together and roofed the enclosure with stone, with turfs, and with thatch to make a home for himself and his family. In the larger holdings of the better developed districts the landlord will provide stone, if stone be needed, and lime and slates and some woodwork, while the tenant supplies the labor ; but this contribution on his part is by the nature of the case almost impossible in the poorest tenancies. Then the improvements made are the tenants' work. They are of the rudest description ; their money value is small ; if strictly assessed they cannot be estimated at any price representing the labor spent upon them : but the tenant not unnaturally enhances their cost and their worth, and he knows that without them the holding he occupies could not be worked. We may understand something of the sum of injustice suffered by him when an added rent is demanded because of the added value he has given to his farm ; and he never recognized the equity of the reply made to his complaint, that what he had done he had done at his own risk, since he knew that without an agreement beforehand all the improvements he made became by law the property of the landowner. As we shall presently see, he is now entitled, on eviction, to compensation for the improvements he has made and left behind him ; but even now the demand for an increased rent may be made, and if he shrinks from quitting the patch he occupies to venture forth in the world, he has no alternative but to yield to the demand.

Tenants were not and are not often defrauded in the way I have described ; but their liability to it was, and so far as it is unchecked is, an obvious and enormous evil. In the most northern province the Ulster custom operated as a connection of it, if it did not come into existence for that purpose. The origin of this custom is very obscure, but its use is plain. As I have said, tenants were generally allowed to remain in their holdings subject to no disturbance so long as they paid rent, and were not often harassed with demands for increased rents. But it must always happen that tenants at times wish to quit possession : they have become embarrassed, and can no longer keep their acres ; or they die, and their representatives wish to relinquish their farms. Under such circumstances the question of compensation

for improvements becomes one of pressing and practical importance. It might be thought that the landowner would pay the outgoing tenant or his representatives what was fairly payable, and a new tenant would then enter without difficulty; but the landowner was himself too often impecunious, or he was away and represented by an agent without orders and without funds to act, or the land might belong to a corporation, the living members of which were neither able nor willing to tax themselves for their successors. It was obviously a simple expedient for the outgoing occupant to find some other (plenty would offer) ready to take the land off his hands, and to pay a sum for the privilege of occupancy which would cover an adequate compensation for improvements. The money paid would often represent much more than this compensation. If the farm was part of the estate of an easy-going landlord, it was also a payment for the expectation of being allowed to remain in continuous possession at a low rental. The usage however arose, and in Ulster, where tenants were bred under different conditions and were more exact in their habits than in the rest of Ireland, it became universal, and obtained universal popular recognition under the name of the Ulster Custom. Yet even there the recognition was moral only. Although landlords and their agents were perfectly well aware of the payments made by incoming tenants; although the transaction was generally completed in the landlord's office, and arrears of rent were then and there paid out of the purchase money of the incoming tenant, — yet the Courts of Law were never brought to recognize the custom. The landlord had the power to give the tenant notice to quit as soon as the latter had installed himself; and if this high-handed proceeding was practically unknown, the landlord could still notify a demand for an increase of rent. I have never understood how the Law Courts could resist motions to restrain action of this kind, except upon terms of accounting for the money known by the landlord or his agent to have been paid for the privilege of occupation. Possibly the proofs of knowledge were imperfect; possibly the courts shrank from exercising a jurisdiction involving questions of financial liabilities foreign to their usual work. Whatever the reason, the fact itself is certain that the Ulster custom never attained legal recognition. It was a usage of common notoriety, but the obligations arising out of it had no other sanction than the imperfect sanction of morality. Landlords had indeed their difficulties in dealing with the custom. It has been said that the amount paid by an incoming tenant frequently did more than cover the value of all the improvements the outgoing tenant could claim; it included something for the privilege of occupying under a good-natured landlord, who would never be strict in putting up the rental. A benevolent man thus found his benevolence traded upon;



and when he sought to exercise rights to which he was fairly entitled, he was met with the plea that his tenant had paid money in the expectation that they would never be exercised. Office rules were devised to meet difficulties of this kind. Under them restrictions were sought to be imposed on the magnitude of the sums that could be given for the privilege of tenant-right, and it was sometimes provided that under every sale of the occupancy a certain percentage should be added to the rent paid to the landlord. A rule of this last kind would act in a very unequal manner according as changes occurred at long or short intervals, while the attempt to impose a maximum limit to the tenant-right sometimes resulted in the payment of one sum openly and of a second or subsidiary amount clandestinely. The permanent and passionate competition for the possession of farms might generally be relied upon to circumvent the intermittent action of landlords. It must also be observed that though the custom of tenant-right assumed its most definite shape and obtained the widest recognition in the province of Ulster, yet it was constantly struggling to come into existence throughout Ireland, and upon one or two large estates it was allowed to reach its full development. Lord Portsmouth's estates in the county of Wexford are a well-known example of the Ulster custom flourishing far away from Ulster, and another instance is seen in the estates of Lord Lansdowne in distant Kerry. It is not too much to say that the Ulster custom is a natural and spontaneous growth in Ireland; and if it had not been checked and repressed it would easily have spread over the whole island. It may be understood, however, with what disfavor most landlords would look upon the growth of a vague and undefined change, liable to constant increase and operating as a check on the growth of their own rents; while some, like Lord Dufferin, were strongly impressed with the inexpediency of a system which diverted a large part of the tenant's capital from his special work of farming to lock it up in the purchase of a *quasi*-proprietary right. It is well-known that Lord Dufferin spent large sums in redeeming the tenant-rights of his tenants in Ulster up to the very time when the Legislature intervened to recognize the custom and thus to fix it forever.

Some of the present generation are disposed to ask, even querulously, why it was that the dependence of the Irish tenant upon the temper of his landlord was left so long without an attempt at correction, and they are not unwilling to find a full explanation in the selfish arrogance of a Legislature mainly composed of landowners. But this vulgar theory is wholly insufficient to account for the fact, and must be pronounced false if it is propounded alone. The unwillingness of landowners to see their power of inserting their own stipulations and conditions in agreements for letting land no doubt

went for something ; but the universal political sentiment of the last generation was opposed to the intrusion of the law in such a way as to overrule the conditions of contracts. Radicals as well as Conservatives — Grote and Molesworth equally with Peel and Palmerston — turned away from the idea. The end they hoped for was the establishment of the independence of the tenant as a contracting party by a diminution of the relative numbers of the competitors for farms. A displacement of population through the operation of emigration, then coming into play, would in time bring about this result. An independence thus freely established might be trusted to endure, while the intervention of the Legislature to save farmers from the consequences of their own excess of numbers could only tend to perpetuate this excess. These were the dominant sentiments of the political thinkers of the time ; all our legislation from 1830 to 1870 was controlled and directed by them ; and they were accepted as unreservedly by the masses of Englishmen and Scotchmen outside the Houses of Parliament as by the members therein. The demand for a legislative sanction of tenant-right as it prevailed in Ulster was raised most freely by Irishmen themselves, and was not supported by Irish representatives in Parliament with many signs of conviction that they were asking for what must be yielded. Irish members moving in the atmosphere of Westminster could not resist the doctrine of individualism which was the faith of the foremost men of the day. The Irish famine seemed to make it possible that relations of free contract would naturally be established between Irish landowners and their tenants, and the unwillingness of statesmen to interfere was thus greatly strengthened.

The hopes of statesmen were not fulfilled. Years passed, but Ireland did not settle down. Before 1870 the force of the stream of emigration had diminished so that the total population began to assume a stationary condition, and yet the competition of farmers led them to accept tenancies without conditions providing for their protection against inequitable treatment. The action of the new landlords who had bought estates out of the Encumbered Estates Court began, moreover, to excite bitter feelings which spread further than their action. Mr. Gladstone's Act of 1870 was intended to afford an efficient protection to the tenant, not by taking away from the landlord his power of arbitrary eviction, but by condemning him to pay the tenant an adequate compensation if he exercised it ; and it also provided that in all cases the outgoing tenant should be entitled to compensation for the unexhausted improvements he had made and left behind him. It declared the Ulster custom to be legal. It was pointed out at the time that this method of dealing with the usages of the northern province was plainly insufficient. The Ulster cus-



tom was never illegal. What was wanted was that it should be protected by a power restraining the landlord from increasing the rental in derogation of his tenant's equitable interest, or the alternative of compelling the landlord to recoup to the tenant what was due to him *plus* ample compensation for disturbance, in the event of his being unreasonably dispossessed. As to the tenants outside Ulster, it was plain that if they could not afford to go forth upon the world with the *solatium* they would receive on disturbance, the power of raising rent upon them would remain unchecked, for it was only when they were driven to the extreme step of quitting their holdings that they could make any claim to compensation. A grasping landlord might by making successive demands for increased rentals feel his way up to the point when the tenant preferred to go out, and might then recede from the last demand provoking this determination. But the majority of the representatives from Ireland, even of those who were the recognized spokesmen of the tenants, were contented and even delighted with the Bill, and it was accepted with expressions of lively satisfaction by many Farmers' Clubs. For some years the Act appeared to continue to give satisfaction, while such complaints as were raised against it came chiefly from Ulster. The farmers on some estates in that province found that rents were enhanced a certain percentage — I have heard of as much as twenty-five per cent — on every transfer of possession, thus reducing and gradually extinguishing the interest of the tenant; while in other cases increased rents were openly demanded, without the occurrence of a change of tenancy, in the belief that the enhancement would be accepted as a less evil than eviction. Outside Ulster the power of the landlord was certainly not more effectually barred, and as the sale of compensation diminished as the value of the holding increased there was a great temptation to the landlord to seize every opportunity of consolidating farms. This was not an unqualified evil, but the Act of 1870 was an expression of the belief that it was politically more desirable to fasten the tenant in his holding, however poor, than to leave the power of consolidating holdings unchecked; and the operation of the Act in this particular often defeated the intention of its authors.

The deplorable harvest of 1879 brought into fierce prominence all the latent discontent of the Irish farmer. The harvests of the years immediately preceding had not been behind the average in Ireland, but they had been very short of their usual return in England, and in 1879 both countries suffered severely. For the wretched peasants of the extreme west of Ireland — those whom I have described as living on holdings too small to sustain themselves and their families, and thus trembling forever on the verge of destitution — a failure of the English harvest is almost as serious as a failure in their own potato

crop. They eke out their existence by resorting to the agricultural counties of midland England during the harvest, and there earning harvest-wages, the bulk of which they carry home to their families; but in 1879 this supplementary resource totally failed, as it had been much diminished in previous years. The constant introduction of labor-saving machines, mainly of American origin, has indeed tended for many years to deprive the wandering Irish laborer of much of his customary work. As the winter of 1879 drew nearer, it was seen that it would be a source of extreme misery, and in some districts of starvation. Mr. Parnell then began a series of addresses to the peasantry. He advised his hearers not to pay their landlords any rents unless the latter agreed to make reasonable reductions in their claims. Mr. Parnell very rarely explained to those whom he addressed what he meant by reasonable reductions, although in defending his conduct before other judges he said that a reasonable reduction meant, in the absence of an agreement freely established between the landlord and his tenant, a reduction determined upon by some impartial authority. By the peasants the advice was generally taken to be, "Don't pay more than you yourselves think right." Bating this dangerous ambiguity, the advice of Mr. Parnell cannot be condemned. The circumstances of the season justified an application for an abatement of rents, such as the majority of landlords are generally found willing to allow. It was also prudent not to make any payment until an understanding had been made about the reduction, as otherwise the worst class of landlords—the new purchasers of pure Irish origin, who, having saved a little money and bought some land, tyrannize over the class from which they have risen—would have taken what they could on account, and would have maintained the unpaid balance as a claim always hanging over the head of the tenant, and thus bringing him more than ever within the power of his master. An arrear of rent was indeed of much convenience to the owner, as it gave him at all times the power of evicting his tenant without giving compensation for disturbance, since the law disallowed this compensation when the cause of eviction was non-payment of rent. It will be seen that no serious blame can be thrown upon Mr. Parnell's conduct last year, except in regard to the fact that he was not sufficiently explicit in his meaning. Even here I do not charge him with any wilful attempt to mislead. He shares the prejudices as he is not free from the ignorances of his hearers. His hatred of landowners is probably keener than that of all but a very few tenants. He has never given any sign that he understands the laws which control the economic constitution of every society. When challenged in his calmer moments he saw that farmers could not fix their own rents for themselves, but when addressing farmers in a public meeting he was no



more troubled with this difficulty than they were. The unhappy result was that the temper of unreason, which is always too close to us, was greatly strengthened last winter in the Irish peasantry of the west and south. It has not diminished during 1880. Mr. Parnell's demands have grown, and an organization, established under his auspices, but said to have been devised by Mr. Davitt, has spread rapidly through Connaught and Munster, and has, here and there, overlapped a district in Ulster. Mr. Parnell has proposed that every peasant should become the absolute proprietor of his holding after payment of his present rent for a certain number of years, while the present proprietors were to obtain the value of the lands they would lose in some unexplained way through the agency of the State. This scheme however, like many others, belongs to the future. For present purposes the Land League has ordered that no tenant shall pay a higher rental than Griffith's valuation, and that when this is refused he shall pay nothing. Griffith's valuation was made forty years ago as a base for taxation, and whatever may have been its relation to the letting value of land then, no one pretends that it represents present letting values, or that a new valuation made by the same man, if he had survived, on the same principles would not differ widely from it. A claim to pay no more than Griffith's valuation is as arbitrary as would be a claim by an occupier on the Trinity Church estate in New York to get his house, at the bottom of Broadway, at the same rent now as was paid for it forty years since. This wild demand has, however, been most effectually enforced in a large part of the west, by what has been called a strike of tenants against landlords. All the farmers in a district, acting under the direction of the League, agree together to offer their landlord Griffith's valuation, and to pay him nothing if he rejects it; and in this they are to be unanimous. If the landlord attempts to recover his rent by a sale of his tenant's property, no one will bid for any part of it. If he tries to evict the tenant, eviction is prevented by the assemblage of a crowd menacing the officers of the law; and where eviction has been accomplished, no one will take the vacant farm, since he would be visited in the night by an armed gang, who would turn him out and reinstate the former tenant in his place. Finally when a landowner has through his resoluteness become specially obnoxious to the League, he is put under a ban, or — to use the word derived from a prominent victim of the process — he is Boycotted and shunned as a leper. His servants leave him, tradesmen refuse to sell him their wares, the lawyer cannot undertake his cause in any local court, — everybody about him yields, with reluctance sometimes feigned but often real, to the mandates of the League, until at last the victim is driven to escape from a country where it is impossible for him to live. The social war thus conducted is called, as

I have said, a strike of tenants against landlords, but it differs from an ordinary strike in two important particulars. When workmen strike against an employer they withdraw from labor, leaving their opponent to look upon his idle machinery ; and the contest of endurance is which can abstain the longer, — the one from wages and the other from profits. In the agrarian war the tenant remains in possession of the mill, which he is working wholly for his own benefit, and he is in truth in a better position than before, since for the time he pays no rent. To make the parallel exact he should vacate his farm, for which the owner should be unable to find a tenant. The second circumstance of difference is that in ordinary strikes, the struggle being one of endurance of loss of income, the war does not commonly go beyond the aim of preventing the employer from obtaining the means of working his mills through other laborers or with the assistance of other manufacturers. The success of the Land League in impressing the whole of a district on this side, so as to withhold from the landlord all the services which are necessary for life, is a novel extension of industrial warfare. Many of the means which have been in fact employed in accomplishing this end have been without doubt illegal ; it remains to be seen whether the same end could have been attained by legitimate methods.

It would be beside my purpose to enter upon the particulars of the present lamentable condition of a great part of Ireland, or to examine the question whether the present administration have been blame-worthy in their management of the Irish question. This would be a critical and interesting inquiry for English politicians, but it leaves the permanent and deeper issues of the controversy untouched. We may hope, indeed, that the present disorganization of Irish society will pass away, while the best mode of determining the relation of the Irish farmer to the land he cultivates will remain. It will be generally admitted that the maintenance of present relations is intolerable. The Act of 1870 was a confession that Irish landlords and Irish tenants could not be left wholly free to settle their relations by mutual contracts. However much we may be persuaded that this is the best form of social development, the actual dependence of the Irish tenant made it too excellent for him ; and accordingly penalties were imposed on the landlord's power of dispossessing his tenant, so that the latter should not be turned out of his holding capriciously without receiving a considerable compensation. But the penalty has proved insufficient, and we are drawn to the conclusion that what was in 1870 made difficult must now be made impossible. The tenant must obtain a fixity of tenure altogether freed from the liability to eviction without sufficient cause. This can be done ; and, provided the pecuniary interests of the landlord are in no way damaged, it may be done



consistently with all recognized principles of equitable legislation. Unfortunately the demands of the Land League, which have been adopted as their own by so many tenants, can in no way be recognized as admissible. An arbitrary reduction of rents deserves all the stigma attached to the demands of Jack Cade, and a claim to be endowed with the absolute property in a farm for less than it would fetch in market merits the same condemnation. The State might indeed confer such boons on tenants, if out of its treasury it made up to the owners of land the sums they would otherwise lose ; but good policy opposes such gifts even if the general tax-payers of the nation were disposed to contribute to confer them on a special class. Unless it is thought desirable to lead the Irish peasant to believe that whatever he asks for he may have, the legislation of Parliament should be limited to changes strictly conformable to justice. We need not do less than this because the peasantry of a province has risen in social revolt, but because they have done so we should not do more. There is a demand which was formulated in Ireland before the special experiences of the last year, — a demand submitted to Parliament many sessions since by the late Mr. Butt, and generally known under the name of the three F's, which just extends to what is wanted and may be sanctioned, and no further. The three F's are fixity of tenure, at fair rents, with the right of free sale. Fixity of tenure needs no explanation. It would make the tenant free from all danger of eviction. By fair rents is meant rents settled, in the absence of agreement, by some competent authority, with a power to either tenant or landlord to require a revision of them at stated periods, — say every thirty years. Free sale means that the tenant may sell his holding to any purchaser against whom, as a tenant, no serious objection can be substantiated by the landlord before the competent authority. The plan includes provisions against subdividing and subletting, which need not be dwelt upon. It will be seen that under this scheme the present tenant-at-will would be converted into a leaseholder with a right of perpetual renewal, and if the rent reserved at starting and at such renewal be adequate, the landowner would suffer no injury in pocket, while he would be deprived of that authority which the State may resume. The liability to arbitrary dispossession being gone, the tenant would obtain that security the absence of which is his solid ground of reasonable complaint, besides being an injury economically as well as politically to the community. Many objections have been raised against this proposed legislation, but it has received a degree of support approaching unanimity among Irish proprietors ; and it is said that, if sanctioned by Parliament, the tenants would receive it as all they expected or desired, and agitation would cease. I am not myself sanguine that agitation would not for

some time to come revive in bad seasons, but it is evident that Mr. Parnell is very much afraid that the scheme of the three F's may be adopted, to the destruction of his influence. The gravest objection raised to the scheme in its details is that no tribunal could determine the fair rent of a holding, especially after all letting by open competition had ceased. This difficulty is made very light of by practical men, who say that in most cases the present rent would be accepted as the fair rent by landlords and tenants, while in the excepted cases any land agent could settle the question. As to the objection that standards of comparison would disappear with the discontinuance of open letting, it must be replied that the prices realized in open sales will continue to furnish the means of testing letting values. There is another objection to be noticed, founded on the effect of sales of holdings. It is said with perfect truth that if a holding is sold subject to any particular rent, the new purchaser will be paying as rental not only the rent originally reserved, but the interest on the money he gave for possession; and the real rental might thus become as onerous as any now exacted. This is incontestable; nor can any legislation which permits sale prevent the object sold from fetching its competition price. But the new purchaser, in the case supposed, would be fixed in possession at the composite rental, and would not be liable, as he now is, to have this rental again capriciously raised upon him. His security of tenure would be indefeasible.

The scheme of fixity of tenure is strongly recommended to my mind because of the easy means it affords of solving the disputed question of present ownership. In the United States, where the price of a farm is a comparatively small part of a farmer's outlay, the farmer is generally the owner of his farm; and most American citizens ask, with some simplicity, whether this is not always the best mode of settling the farmer's position. Those whose thought or experience has enabled them to compare forms of life different from those most familiar to them, know that in countries where the value of land has become very high it is more convenient for the farmer to hire his acres, if he can have sufficient freedom and security in using them. I believe the Irish farmer very rarely has the capital to buy his holding; and if he had it, it would be foolish of him to sink it in this way if he could secure perfect fixity of tenure without it. Mr. Bright, however, has never varied from his opinion that the Irish tenant must be converted into a proprietor, and Mr. Bright's authority weighs heavily on the freedom of thought of many English liberals. Under the system of the three F's the controversy might be allowed to settle itself. If a tenant who knows that his rent is fixed, and that he cannot be dispossessed, still wants to redeem the whole or any portion of the rental he has to pay, it would be most easy to establish a government



bureau to serve as intermediary between the tenant and the owner in the arrangement of the terms of the redemption. Supposing the desire to become proprietors was strong, this office would soon be in full work, but it is equally conceivable that the calls upon it would be few. All other methods of creating a peasant proprietary which have been suggested have involved advances by the State, generally at easy rates of interest, of part of the necessary purchase-money to the tenants. Few could look forward to the working of schemes of this kind without some nervous apprehension of the day when a bad season would make the present debtors clamorous for a remission of their debts, and the best recommendation a candidate for Parliamentary honors could bring with him would be a promise to vote that all existing debts should be remitted.

Without fixity of tenure political peace in Ireland is impossible ; and it can always be plausibly affirmed that the Irish peasant is debarred from improving his position because he is afraid, from sad experience, that the best sign of improvement will be made the occasion of fresh demands for enhanced rents which he is powerless to resist. Fixity of tenure in some form or other is, I doubt not, inevitable. Yet it is true that to root the peasant in the soil would be, in many instances, to commit him to the hopeless misery of an impossible struggle. I have already quoted the language of Mr. Tuke on the impossibility of a man making a living for himself and his family out of the small holdings which prevail in the extreme west. In another part of his pamphlet he records the opinion of a gentleman, "the intelligent and enterprising owner and manager" of certain china works, who said "the little farms were the curse of the country." Captain Morant of H. M. S. "Valorous," who superintended last spring the distribution of relief stores on the west coast, including those brought from the United States in the frigate "Constellation," gives as "the principal cause" of the permanent misery of the west "the enormous population on the islands and certain portions of the coast ; the land is very poor in most places, and from its proximity to the Atlantic the climate is exceedingly wet, and the crops raised are generally very indifferent ; the holdings also are very small." Lastly let me quote the report of the Rev. Father Nugent and Mr. Smyth, delegates who were sent from Liverpool, at the end of last January, to report on the distribution of relief in the west. After referring to recent bad harvests and low prices, they wrote :—

"But behind that there exists a system so rotten that recurrences of the existing distress are inevitable so long as that system lasts. The population in places is far too dense to be supported on the poor patches of boggy land interspersed with rocks and stones. There are large districts where the average holdings are three to five acres of the poorest land imaginable, and as every cabin on such holdings

seems to swarm with children, it is below the mark to put the average number of mouths to be fed from the produce at six; and in fact they could not exist, were it not for the money earned by the father and sons in England and Scotland at harvest. It is all very well for agitators to abuse landlords and land laws; but if the land were given to the people for nothing, they would be in a worse plight ere long, because a check on the subdivision of their holdings, which the landlords now exercise, would be withdrawn. . . . The foundation of any improvement in the condition of such a population lies in emigration."

These words are most valuable because they have the authority of a well-known and widely respected Catholic priest. Without a displacement of population any real improvement in the condition of the people of the west coast from Kerry to Donegal is impossible. But it is most difficult to bring about this movement. Any forced emigration is of course out of the question. No British Government, however ferocious, would venture to suggest a deportation of Irishmen who were not willing to go. The people must move of themselves; but they are too often reluctant to go, and the majority of the clergymen use their influence against emigration. These latter are afraid that the majority of emigrant Irishmen will quit the fold of the Church as well as their country, and that their children will be lost to the faith. The attachment of the people to the place of their birth needs, however, little stimulus. Mr. Tuke tells the story of a little farmer who had made money during seven years' work in the United States, and then returned to see it wasting away in the cultivation of some twenty-five acres. I met, myself, another returned emigrant in October, who had been as far west as Kansas, and then came home to keep a small grocery store, where his savings must have quickly gone in giving credit to his neighbors in one of the poorest districts of Ireland. It will be seen that if the need of emigration as a supplement to whatever else may be done is great, the obstacles in the way of its development are also great. Yet there was a strong and continuous stream crossing the Atlantic for a quarter of a century, and what was at first done through dire necessity became at last the aspiration of the more enterprising youths as they approached manhood. It is possible that the present administration will lend some assistance, either directly or through voluntary agencies organized for that purpose, to willing emigrants; and it is known that the Government of Canada is very eager to promote the emigration of communities to the unoccupied lands of Manitoba.

I have explained what appear to me to be the most appropriate and efficient remedies for the evils of the present agrarian system of Western Ireland. I might have referred to others, such as plans for the reclamation of waste lands; but in truth these and every other scheme must fail unless they develop the education of the Irish peasant in economic virtues, unless they lead him to recognize the



truth that life is always maintained subject to many conditions, not a few of which are unalterable, and can only be made tolerable by an observance of these conditions. The laws of a country may be changed, but its physical circumstances are practically fixed. We may modify its political institutions, but it is not so easy to add to its summer heat or to diminish its rainfall. The cardinal fault of Irishmen has been their refusal to recognize the overmastering conditions of life, and their visitation upon others of the miseries which have naturally resulted from this refusal. There has been much to account for the inveteracy of this error. Up to fifty years since the government of Ireland was well fitted to encourage it, and after half a century of painful attempts to redress every legislative and administrative evil we cannot say that all have been removed. There are still some shortcomings to be made good, and our hope is, that, as the last and comparatively minute grounds of accusation disappear, the peasant will grow in self-governance to the level of the responsibilities of his freedom. The example of France is much relied upon as encouraging this hope, although it is not easy to foresee the process of change from the reckless and believing Irishman to the wary and sceptical French peasant. The conversion may be possible, but it is vast. Englishmen, who are charged with the government of India, are often drawn to regard the analogies farther East, where every feature of Irish agrarian relations is faithfully reproduced. Thus we have been led, step by step, to protect the ryot against his own indifference to his temporal future, until at last we have declared that his family holding shall not be liable to be sold or mortgaged, but shall remain to him and his forever, free from the claims of those who may be his creditors, whether as money-lenders or otherwise. Fixity of tenure and peasant proprietorship have been alike powerless to save the Indian cultivator from debt and penury. If we hope for better things in Ireland, our ground for doing so lies in the progress which has been made. The eastern and northern provinces have been rescued, and the border line of new growth advances westward with a steady movement, not incompatible with occasional oscillations backward. Even in the west, — thick, homogeneous, and impenetrable as is its population, holding the same faith and controlled by the same ideas, — influences do slowly work towards good. We are thus encouraged to look for better things; but whether we are doomed to be disappointed or not, we must do what we can, redeeming the government of Ireland from the last charges which can be brought against it, and leaving the issue to the vindication of the future.

LEONARD COURTNEY.

## THE IRISH LAND QUESTION.

THE German poet, Freiligrath, writing many years ago a pathetic poem on Irish misery and disturbance, summed up their causes in the refrain to each verse, "Ireland's land is landlords' land." The Irish question now has resolved itself simply into a question of the tenure of land. As I am writing, people think of hardly any political topic here but that which concerns Irish legislation in the coming session; and that Irish legislation is understood to have reference exclusively to the subject of land tenure. Home-rule is not, indeed, deliberately put aside, even for the present, by the Irish party or the Irish people; but it is recognized by every one that the land question is uppermost; that it must have the first turn in discussion; and that until it is disposed of in some way Ireland cannot be expected to give much attention to any other subject. Many circumstances have conspired to force the Irish land-question to the front, and make it impossible any longer to postpone its discussion. I am therefore particularly anxious, at such a time, that the American public should thoroughly understand the nature of this great controversy.

The land is the life of the Irish peasant. Unless one gets this fact well into his mind it is impossible that he can understand the controversy at all. If he does not get this fact into his mind, he is sure to be led away into the mistake of regarding the question as one to be settled off-hand, by a reference to certain preconceived notions of the rules of political economy. He will be as far away from any real appreciation of the difficulty as one who set to work to consider the wisdom of a man's jumping into mid-ocean on a stormy night, and perplexed himself by thinking of all the various reasons drawn from the laws of health and morals which condemn so perilous a plunge, — being all the time unacquainted with the fact that the poor fellow who leaped had a choice only between leaping into the sea and perishing in a blazing vessel. The land is the only thing by which the vast majority of the agricultural population in Ireland, who are themselves the great majority of the whole population, can hope to make a living. The revenue from land is but one seventh part of the revenue of England; it is two thirds of the revenue of Ireland. What the sea is to the fisherman on a coast the land is to the Irish peasant. There are few manufactures in Ireland, and, so far as we can see, few possibilities of greatly multiplying and increasing these manufactures. Something, no doubt, may be done in that way; but even that can be done only by improving the condition and prosperity of the rural popula-



tion, and so making them consumers to an extent of which they have no notion at present. For the time we may fairly say that Ireland, as a country, has very little manufacturing capability. Then there are but few great towns ; Dublin, Belfast, Cork, Limerick, Waterford, — these exhaust the list of what anybody in England or in the United States would call large towns. When we have completed that list, we then come to what would be styled in England mere villages, and some of these of the poorest kind. Therefore there is not the same possibility which operates so strongly in Scotland to mitigate the evils of an ungenial soil, a harsh climate, and exceptional conditions of land tenure, — the existence of great manufacturing towns into which a people who would otherwise starve on the barren hillsides gradually find their way, and where they are converted from a peasant into an artisan population. There is no possibility of this kind now in Ireland. The Irish people have the land to live by, and that is all they have. Therefore the question of what is to be done with the Irish peasant is really not unlike that which I have before suggested with regard to the fishermen on a sea-coast. If there were any principle of ownership which divided the sea for long stretches among a small body of proprietors, and if those proprietors chose so to restrict and rackrent the right of fishing as to produce utter misery and starvation among the population, it is perfectly certain that any civilized and rational Government would put aside all supposed laws of property, fancied seigneurial rights and *doctrinaire* theories of political economy, and would consult for the lives of the vast majority of their coast people.

That is the question which has to be faced in Ireland. The right, real or supposed, of the landlord to do as he pleases with his land has come at last into actual and irreconcilable collision with the rights of the vast majority of the population to live ; and it is for the Government to choose whether they will sacrifice the privileges of the proprietors or the prosperity of the people. The competition for land in Ireland is naturally so keen, that, if the transaction be left to the ordinary laws of buying and selling, the landlord can ask almost any rent he thinks fit, and is sure to have many competitors who will offer to pay it. Men driven by the needs of living and maintaining a family, and despairing of getting hold of a patch of land otherwise, will offer in their desperation almost any terms, even those which they know they cannot pay, in order to get possession of a farm, and take the chance of being able to hold it somehow when once they have got it. There is in England a custom, hardly ever departed from, by virtue of which the landlord makes all the improvements on the land, drains it, fences it, puts up farm buildings, and so on, and then lets the land to the tenant. In Ireland the tenant must do all this for himself. What he gets is simply the naked soil. All the improvements he must make

by his own labor or by his own capital, if he has any ; and, until very lately, he had no legal claim whatever to recover compensation for those improvements if he should be turned out of the land. The competition for land and the power of the proprietors created that vast class of tenants-at-will whose struggles and miseries have given the world so much to think of for so many generations. A large portion of the soil of Ireland is owned by absentee landlords, — great peers and nobles who live in England, draw the rent from their Irish estates, and leave them to be managed by agents. The agent is naturally anxious to make the most he can of the property for his employer ; and often he is driven by what I freely admit to be a sense of duty, however perverse or overstrained, to deal much more rigorously with the tenants than the landlord would do if he were dealing with them in person. These tenants hold at the will of the landlord or the agent ; and the rent of their land is liable to be increased whenever the landlord or his agent thinks fit. Therefore as soon as a tenant begins, by patient labor, to improve his holding, the agent comes down upon him and insists that he must pay more rent. Mr. John Stuart Mill pointed out, long ago, that this was the condition of things which made the Irish occupier the only man in all the world who could neither benefit by his industry nor suffer by his improvidence. He cannot be much worse off than he is, no matter how lazy or indifferent he may be. He is now down almost to the verge of starvation ; and if he gets a little lower, either the workhouse will have to support him or he must perish. In neither case would he be much worse off than he often is at present. On the other hand, if he be industrious, and works night and day and improves his land, then he is rewarded for the improvement by having his rent raised. The agent comes around and says that he seems to be doing well, and that as the land is improving he can afford to pay the landlord more. The most trifling marks of improvement are sometimes enough to draw down upon him this exaction from the landlord. I have heard of cases, and cases certainly true, in which a man's putting a few flowers in his window — a rare adornment among the Irish peasant class — has brought the agent round to tell him that as he can afford to grow ornamental flowers he can afford to pay his landlord a higher rent. I have heard of a case in which the fact that a man's daughter went to chapel on the Sunday with a string of glass beads — value perhaps a few cents — round her neck, brought him a visit from the agent and the assurance that, as his daughter could put on ornaments, he could well afford to pay more rent to his landlord.

It is not as a rule, I should say, on the estates of the great English peers, that things are managed after this fashion. It is more commonly on that smaller kind of estate in which the owner thinks him-



self compelled, for his own sake, to squeeze all that he possibly can out of the land and out of the tenantry. But I am now speaking of the general conditions out of which the misery of Ireland springs ; and I need hardly say that it does not require that this reckless system of raising rent should prevail on every property in order to make the condition of the tenantry miserable. It is enough that there should be so many cases of the kind as to put into the mind of every occupier the fear that he may be made the victim of such an extortion, and so to act as a permanent and paramount discouragement to any efforts in the way of industry and self-improvement. I have just now under my eyes an incident narrated in a pamphlet published by one who is I believe authorized to speak on the subject. He mentions a fact which occurred in one of the Irish counties. Up in the hills a man, many years ago, had a farm at a very low rent. The land was worth little or nothing of itself. He set to work with a will, and it took him years of toil to clear the land completely of stones. Being a sensible man, as well as industrious, he made use of the stones to build a wall to enclose his land. His landlord happened to die, and the heir, seeing the improvements which the poor man had made, raised the rent in the proportion of five hundred per cent. This day his neighbors outside the wall pay just the small amount which he paid before he set to work and reclaimed and enclosed his land. "Such," says the writer from whom I quote, "are the rewards of industry too often reaped by the Irish farmer." He also says : "It is well known that in some parts of the country the farmer is afraid to wear a good coat, lest the agent or some of his minions should see him comfortable, and consequently able to pay more rent."

There is in Ireland a law of eviction which does not exist in England. So little is known in England, even by those whom one might suppose well acquainted with all the subject, about the actual condition of things in Ireland, that there was a general feeling of astonishment among English members of Parliament when this statement was made last session in the House of Commons by my friend Mr. Charles Russell, M. P. No man could be a better authority upon such a question than Mr. Russell, who is an eminent lawyer among the leaders of his profession, as well as a political economist, an Irishman by birth, thoroughly acquainted with Irish affairs, although long resident in England where he has made a success and a name. Mr. Russell stated that "no such thing as ejectment for non-payment of rent merely is known to the common law or to the statute law of England." Under various conditions "by the law of Ireland, which is not the law of England, the tenant would be turned out of his holding by the landlord without any notice whatever to quit ; and the only means by which he could live would be taken from him without any

compensation." In England this could be done only by a regular, formal, and legal process. As Mr. Russell says, "in similar cases in England the landlord must give a year's notice to quit, ending with the year of the tenancy;" and even then if the tenant does not go out of the land the landlord must seek his remedy as any other creditor would do, by applying to a court of law for the restoration of his property. I cannot better describe what the system of tenancy-at-will is than in the words of Lord Dufferin, who was lately Governor-general of the Dominion of Canada. Said Lord Dufferin:—

"What is the spectacle presented to us by Ireland? It is that of millions of persons, whose only dependence and whose chief occupation is agriculture, for the most part cultivating their lands; that is sinking their past, their present, and their future upon yearly tenancies. What is a yearly tenancy? Why, it is an impossible tenure: a tenure which, if its terms were to be literally interpreted (and its terms *are* literally interpreted in Ireland), no Christian man would offer, and none but a madman would accept."

This tenancy, however, is offered in Ireland, and men otherwise not apparently insane are found to accept it. They must eat to live; and only by the cultivation of the soil can they eat. I could bring scores and scores of testimonies to the general accuracy of my statement of the case so far. I shall not, however, weary and perplex my American readers by quoting chapter and verse for every assertion I make. I only ask them to believe that I am making none of these assertions on my own authority, or without the clearest and most substantial evidence to sustain them. Here, then, we have the obvious source of national discontent and misery: "Ireland's land is landlords' land." The landlords have the land, and they have had hitherto almost unlimited power as to its disposal. The tenantry have no means of living but by the land. No human power can add one single acre to the surface of Ireland. There is, indeed, a way of making much of its surface valuable for cultivation which is now waste and idle, and of that I shall have to speak presently; but the land actually in cultivation is a limited quantity, and the needs of the people are great. The landlord, therefore, has it in his power to ask whatever he pleases for the land, and to deal with the tenant when he is in occupation exactly as he may think fit. It is the case above all others to which the principle of unrestricted competition cannot possibly in justice be applied. The parties are not on equal terms. Lord Sherbrooke, who is one of the bitterest opponents of any liberal change in the land laws of Ireland has himself observed in the "Nineteenth Century" that the very idea of equality is banished from such a proceeding. He says: "There is no real bargain when one side cannot afford to refuse whatever terms the other sees fit to impose." One might as well leave the captain of one of the Atlantic



steamers in mid-ocean to put any increase he pleased on the price of the provisions he had to sell. The passengers would have to buy provisions at any price or to starve; and they would therefore be wholly at his mercy.

But there is another fact which intensifies the bitterness of the Irish peasants' condition. The whole system of land tenure which England introduced into Ireland was new to Ireland. Ireland grew up under a system not feudal, and by virtue of which the land was supposed to be the property of the whole people, — very much as it is, or was, in Russia, — and the divisions and subdivisions were made by the chiefs with some reference to the growth and the wants of the population. This was no doubt a simple and elementary condition of land tenure, out of which it is evident that the people would have in some way grown in the process of development; but while that development was going on in the natural way, there came the invasion of Ireland by England, and a sudden and unnatural twist was given to the whole condition of things. England imposed by a stroke — actually by the decision of one of her courts of law — her whole feudal system on the Irish people. Then there came confiscation after confiscation; there were three or four great confiscations, or "settlements" as they were called, in Ireland by successive sovereigns of England. Each sovereign (or conqueror, as in the case of Cromwell) cleared certain vast tracts of Ireland of its natural possessors, killed off some of the occupants in war, massacred others, drove the rest out of the country, and planted his own soldiers, his own favorites, or the London mercantile companies whom he was anxious to oblige, on the land thus wrested from its original inhabitants. Therefore, to add to all the other causes which make the Irish people discontented, to add to the pressure of a false and fatal system, a mistaken political economy, and all the evils that can arise from an unrestricted power over a poor population in the hands of a very small class of men, there comes in the sense that those who now own the land of Ireland are not strictly Irishmen, but are foreigners imposed by the foreign power in the place of the native possessors whom force had exterminated. Again, there is the difference of religion. The Irish population, — especially the agricultural population in the middle, the south, and the west, — may be roughly described as all Catholic. The landlord and agent class may with equal correctness be roughly described as all Protestant. Here, then, we have complicated nationality and opposed religious views to intensify the bitterness of the great struggle between landlord and tenant. Naturally Ireland has had a succession of famines. As the people are living wholly on the land, a single bad harvest stops any little rise in the national prosperity, and changes the agricultural population into paupers at once. There was a great,

famine in 1822. There was a famine in 1831. There was a famine of ghastly proportions in 1846-47, caused by the failure of the potato crop, — a famine as horrible as any described by a Thucydides or a Procopius. In 1879-80 there was a period of such keen distress that at one time it seemed likely to turn into positive famine.

Meanwhile, what was legislation doing to remedy these evils of the land-tenure system? For long generations legislation did nothing. One or two Irish members of Parliament, and a well-known public man who represented an English borough, — the late Mr. Sharman Crawford, — were year after year bringing in bills to deal with the question; but the House of Commons or the House of Lords invariably rejected them. So long ago as 1845 the Devon Commission, — a commission appointed by Sir Robert Peel to inquire into the condition of Ireland and its land tenure, and which was composed exclusively of landlords, with Lord Devon as its chairman, — reported in favor of large and liberal changes in the legalized system, so as to give the occupier something like security for his holding. Nothing was done, however. The dispute at that time seemed irreconcilable; the landlord held out for his right to absolute unrestricted freedom of contract. The advocates of the tenant had to fight not only against the class interests and class prejudices of the landlords, but also against the narrow views of the political economists who were just then rising into great strength, with all the fresh zeal of their newly discovered science. The one political economist of authority who always and from the beginning saw into the heart of the question was Mr. John Stuart Mill. He always pointed out that the essential conditions of land rendered property in it different from property in any commodity which can be increased and multiplied; and that therefore there could not be in land the same unrestricted freedom of contract which we are all glad to see in the case of property of a different kind. But the House of Commons, which is about the last public body to acknowledge the influence of any great and just idea, always resisted any real improvement of the land-tenure system. The trifling attempts made now and then by this or that Government were so worthless that even a close observer of parliamentary affairs hardly knew what became of them, how far they were pressed forward, when they were let drop, or what discussion they created. It was only after Mr. Gladstone had come to power in 1868 that an attempt was first made to deal on a liberal scale with this perplexing question.

Before I come to Mr. Gladstone's Land Act, however, it is necessary to point out that there was one part of Ireland which had better conditions and had prospered. This was the province of Ulster. In that province, owing to the fact that nearly all its original inhabitants had been swept away and a race of English and Scotch settlers sub-



stituted, there was not the same conflict between landlord and tenant. The landlords were for the most part Englishmen or great English companies, and in this province a system well known as the Ulster Tenant-Right grew up and became established. The principle of that system was that an Ulster occupier could claim compensation from his landlord for any improvements he had made in the land, if he were being turned out of it; and that moreover he was free to sell what was called the good-will of his land in the market to any purchaser. That is to say, the Ulster occupier of a farm, if he had to leave it, might go into the open market and ask, "Who will give most for the right to become occupier of my farm?" It is in fact the system perfectly well known in towns, — the purchase of the good-will of certain premises. This principle enabled the Ulster men to feel that they were secure of the tenure of their land; that they might fearlessly work hard to make improvements in it, because they were to receive the full compensation for all improvements if they had to leave the land; and they were always able to go into the market, offer the good-will for sale, and obtain as much as competition was willing to give them. Naturally enough a system of this kind made the landlord also more careful that he let the land only to an honest, industrious, and improving tenant. This Ulster custom became so dear to the people, that in the evidence given by landlords and land agents of Ulster before the Devon Commission it was declared that if any attempt were made to interfere with it all the military force at the command of England could not keep the province of Ulster from rebellion. One great landlord declared that the existence of the tenant-right custom would convert Tipperary, a poor turbulent southern county, into another county Down, — that is a prosperous, peaceful county of the northern province, — and that any interference with the tenant-right system would convert the county Down into another Tipperary.

Mr. Gladstone came into power in 1868 with a strong majority at his back, and he determined to deal with the Land-Tenure System of Ireland. His attempt was then considered bold and even daring. He was denounced as a revolutionist and a communist. He aroused a feeling of hatred against him among all the landlord class and their dependents in England and Ireland, which never ceased to burn in full intensity. Yet what he did, and what he risked his power and his place to accomplish, fell after all miserably short of the real need of the occasion. Even Mr. Gladstone had not then grasped the reality of that terrible life-and-death struggle which was going on in Ireland. He had not then come to understand how it was a question, not of the mere advantage of one class and the disadvantage of another, but of the very existence of one class dependent on the other.

What Mr. Gladstone did, however, was a great step in advance. By his Act of 1870 he recognized for the first time the principle that the occupier as well as the landlord has some kind of property in the land. The Irish occupier, as I have said before, gets the naked uncultivated patch of land. He works at it, reclaims it, clears it, makes it of permanent and regular value. Mr. Gladstone then held, as every rational human being must hold, that the man who made the land of value has some right of property in it as well as the man who owned the land when it was of no value. He did not think of equalizing or dividing these rights of property, but only established the principle that the tenant has some property. One man, let us say for the sake of illustration, has a marble quarry ; another man has a gift of making statues : the man who has the sculptor's art converts the other man's raw marble into statues and groups. Is he not clearly entitled to some actual property in the marble which he has converted ? He could not have made the statues if the other man had not supplied him with the marble, but the other man's marble was of no use at all until the sculptor converted it into shape. In a much homelier way the Irish tenant is entitled to some interest, some right of property, in the land which he brings to cultivation. Mr. Gladstone recognized that right to a certain extent. In the first instance, where he found the Ulster Tenant-Right System existing he made it legal. In the second instance, he laid down a scale of compensation according to which a man evicted in any capricious way must receive some return for the improvements his labor has made. The measure at its very best would have fallen far short of the needs of the time ; but the landlord party and the House of Lords so mutilated and maimed it that it really came out of Parliament of little practical value. Mr. Bright had introduced certain clauses, since generally spoken of as "the Bright clauses," by virtue of which tenants anxious to become possessors of their land were to be assisted by Government with the purchase money. These clauses, had they been satisfactorily worked, would have begun the establishment and the development of that peasant proprietary in Ireland for which the heart of the Irish people yearns at the present moment. But the Commons and the Lords tinkered at the clauses until they reduced them so much as to be of hardly any practical value.

Mr. Gladstone's bill not only failed to do great good, but in some cases it did distinct harm. It made the Ulster custom legal, but did not define it. It did not prevent landlords from evicting, but only compelled them to give a variable compensation for improvements without explaining what improvements really were. It allowed the landlord to evict for non-payment of rent without giving any compensation to the evicted tenant. Mr. Gladstone himself would have given com-



pensation in cases where the non-payment of rent was due to bad seasons, or sudden misfortune, or something which did not argue neglect and dishonesty on the part of the tenant. In that case, if a landlord chose to turn out on the world a poor man who, after working hard and doing his best, was stricken down by Providence in a bad harvest, Mr. Gladstone would have compelled the landlord to give him some compensation for what would have been called in Ulster the tenant-right of his farm. The House of Lords, however, struck out this provision, and allowed the landlord to evict in cases of non-payment of rent, no matter from what cause the non-payment came, without giving the tenant a farthing of compensation. Moreover, it encouraged the consolidation of farms and the extinction of small tenancies by leaving the landlord and the tenant to the unrestricted operation of what is called "free contract," in all cases where the farm was above a certain extent of acreage. Thus, therefore, it became the natural desire of every landlord to get rid of as many tenants as possible, and to make his farms as large as he could, in order to be free from and above the operation of Mr. Gladstone's Act. Then, again, the Act referred all disputed questions to the county courts in Ireland, and therefore multiplied immensely the temptations to litigation. The county court judges are, for the most part, men who naturally wish to stand well with the landlord and agent class; and in any case, where litigation begins, the advantage is obviously altogether on the side of the man who has the money. A cruel temptation was put in the way of landlords and of agents to get rid of every dispute by inviting the tenant into one of these courts of law. In many, indeed in numberless, cases the tenant found it better to suffer any hardship than to endeavor to compete with his landlord on that arena where the landlord had all the advantage and he had none, where money and the power of enduring delay were in his landlord's hands and not in his. In the meantime, even in Ulster itself, the tenant-right system began to fail of its happy effects. New landlords had come in who were willing to evade it. The population in prosperous places had naturally increased. There was more competition for land, and the landlord's power of increasing his rent was unrestricted. This power of unrestrictedly increasing the rent went far to neutralize all the benefits of the Ulster custom, and threatened to bring Ulster down to the same condition as the other provinces of Ireland. The landlords began to raise their rent; and in many cases, no matter how capricious, how sudden, and how unreasonable might be the demand for the payment of increased rent, the unfortunate tenant could not venture to resist it. Suppose he owned a little capital, had just bought the good-will of the farm on which he had entered, paid a substantial sum for it, and laid out the rest of his

money on increased improvements: the landlord suddenly calls on him to pay a much larger rent. What is he to do? If he goes out of the farm he loses a large portion of the capital he has invested. "How so?" it will be asked; "could he not sell his good-will and get back all that he paid for it?" Not so. Let the reader but think for a moment. The man paid a certain sum for the good-will of a farm which was then paying but a small rent. What possibility is there of his getting the same sum for the farm when it has to pay a much higher rent? Obviously he must lose on this transaction, and is therefore in most cases tied to the stake. To remain he must pay the higher rent, and he knows that the more his industry increases the value of the land the higher and higher will the rent become. "Landlordism," to use the word now so commonly heard in Irish controversy, was beginning to be in a fair way to accomplish that process which, as I have already said, a certain landlord spoke of before the Devon Commission, and to convert the counties of prosperous Ulster into the condition of the most distressed and discontented counties of unprosperous Munster or Connaught.

After Mr. Gladstone's land act, therefore, the condition of things in Ireland did not mend, but rather grew worse. Several years of bad harvest immensely aggravated the difficulties and the distress. Fenianism and Nationalism had long taken a deep hold of the minds of many of the people. They settled down into what Mr. Butt once eloquently called "the sullen heart of Irish discontent." Then the Home-rule agitation sprang up. A demand was made for Irish local self-government, — such government as one of the States of the American Union possesses, — with the Imperial Parliament at Westminster still to manage the imperial affairs of the commonwealth, just as the Congress at Washington manages the federal affairs of all the States. The demand was not merely refused, but the representatives of the Irish people were constantly told in Parliament, and by the English press, that their arguments would not be listened to; that their demands never could be conceded; that no English statesman would be tolerated in power who condescended even to debate the question; and that Ireland must be taught, once for all, that England had put her foot down, and that not merely the concession of Home-rule, but even a mere discussion of the subject, would be impossible. In the mood thus created among the Irish people the Land-League agitation began. It has taken a deep hold of the sentiments and the interests of the whole rural population. No association in Ireland, even if we go back to the days of O'Connell's Repeal movement, ever had anything like the same strength among the people. It is all but dictatorial; and I am bound to say that, considering the difficult and complicated interests it has to deal with, it has proved of immense



service to the country. Many agrarian excesses and crimes have no doubt been committed, but they have not been committed either at the instigation or by the connivance of the Land League. Simple arithmetical facts show that agrarian outrage of every kind has been decreasing of late years, and is almost out of all proportion less now than it used to be twenty or thirty years ago. What the Land League has done is to force the whole question of land tenure on the consideration of Parliament. Unfortunately nothing ever is done by Parliament with any subject until it is thus forced on, and until there is no longer a possibility of evading or postponing the discussion and settlement of it. I could quote, if it were necessary, sentence after sentence from the speeches or writings of English statesmen recognizing this fact, that nothing can be done in England until some agitation compels Parliament to put every other business aside and take that particular matter into its consideration. Only by some such process was Parliament compelled to do justice to the great and grievous wrongs of the English artisan. The English artisan was always placed under a different law from that which affected his employer. If there was a breach of contract the offence was civil on the part of the employer, criminal on the part of the workman. The English workingman was not protected by the law in his Trade-societies, even in his charitable Benefit Associations. His Trades' Unions were declared illegal, and were persecuted. As a consequence he was driven into secret conspiracy, sometimes into crime and outrage,—crime and outrage, let it be added, of a far more terrible kind than any with which the worst enemies of the Irish Land-League can possibly charge those who are supposed to be its followers. At last the condition of things became intolerable, and then Parliament had to deal with the difficulty. It abolished the unjust laws and put the workingman on a level with his employer. It allowed him to carry on openly, and in the face of day, those associations which every one recognizes as not only legitimate but beneficial, and the natural consequence was that trade outrages ceased to be heard of, and that the workmen and their employers lived on terms of accommodation and reciprocal advantage.

The Land League, with Mr. Parnell at its head, have at all events done this great service, that they have forced the whole Irish question, once for all, on the attention of Parliament. What Ireland wants is legislation which shall give security of tenure to every occupant who pays his rent ; which shall in some way provide that the rent shall not be a rackrent ; and which shall also secure him compensation for his improvements, and at the same time shall begin the foundation of a peasant proprietary in the hope that in its natural growth and development it may overspread the land. To do all this is a simple ques-

tion of outlay and energy on the part of the Government. There is a large extent of waste land in Ireland which is perfectly capable of being reclaimed and put into profitable culture. It is now nobody's business in particular to attempt this task. Men of the occupier-class have done it in little bits here and there, with such success as to show that it could be done on a large scale if any powerful body would attempt it. That is the duty of the State. Let the State reclaim such land as is really capable of reclamation, and found on that land a colony of peasant proprietors. Further, they will have to provide some machinery by which the famous "Bright clauses" may be made operative and broad, bold and comprehensive, in their working. They must provide machinery by which the State can buy out all landlords who are willing to sell, compel notoriously bad landlords to sell, take by purchase the land from the great English Commercial Companies who now hold so much of it, and transfer all this land on proper terms of purchase to the Irish tenants. The State must step in, advance a portion of the purchase-money, and agree to receive from the tenant repayment by instalments on easy terms and in such a way that after the lapse of a certain number of years the land will become his own. Such legislation as this would show the Irish peasantry that their feet at last were set on the road to personal independence and prosperity. They would feel that that peasant proprietary, for which they naturally long, was quietly, rapidly, successfully growing up all around them. We have heard a great deal about the enormous outlay this would involve. Mr. Bright, in a recent speech at Birmingham, talked of the impossibility of the Government undertaking any enterprise which might require the expenditure of a couple of hundred millions sterling. Madame de Novikoff, the famous Russian lady so well known in English political circles, lately published an article in "*Fraser's Magazine*," in which she described the steps taken by the Russian Government to establish a peasant proprietary in Russia. The Russian Government expended one hundred millions sterling for this purpose. Russia is a very poor country, strained terribly by the expenses of her huge military system, of petty wars, and one recent great war. England is by far the richest country in Europe; one might almost say as rich as all the rest of Europe put together. Why she could not afford to pay double as much as Russia for such a work as the foundation of a peasant proprietary I am not able to say. She has spent much more money than that in great wars which bequeathed her nothing but debt and discredit. Never in her history did she devote so much money to so good an end as would be attained if the money were laid out in the foundation of Irish prosperity and tranquillity. But I need hardly say that no such vast sum of money, nor the half of it, nor the quarter, nor



anything remotely approaching it, would be required to plant in Ireland a system which would quickly develop itself into a peasant proprietary.

I have drawn this picture of the Irish struggle in rapid and general outlines, but I think I have made its proportions and its realities clear to the mind of an American reader. The one great point which he must keep steadily in view is that it is now in a certain sense a direct struggle of class against class; that is to say the existence of some two and a half or three millions of people has come at last into irrecconcilable antagonism with the proprietary privileges of some five or six thousand persons. I need hardly ask any American what is the direction which in his opinion legislation should take to bring such a struggle to a close.

JUSTIN MCCARTHY.

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## THE EARLY DAYS OF FOX.

THE study of great political changes and convulsions always reveals their inevitable character, if we go beyond the immediate incidents and seek the remote causes which are to be found in a long course of years in the life, society, and condition of the people and in the general course of development. This was pre-eminently the case with the French Revolution, whose forces had been slowly gathering from the time of the Edict of Nantes, and even earlier, until they reached a point where the only possible solution was in a rending and tearing of the body politic, so terrible that it was brought to almost absolute dissolution. In the "Great Rebellion" again, while the acts which precipitated civil strife—the ship-money and the church policy, the war with Scotland and the attempted seizure of the five members—lie on the surface, the causes which made the great change unavoidable, in one form or another, must be sought far back at the beginning of the century in the dreary and seemingly petty conflicts of the reign of James I. These examples have been taken merely because they are obvious and familiar, but the same proposition holds true of all similar events in the history of mankind.

To this rule of remote causes our own Revolution, which secured our independence, seems at first sight to form a marked exception. We do not mean by this, of course, that the colonists were not justified in rebellion, or that they went to war without ample provocation. We believe, on the contrary, that they were wholly in the right, and that if men ever had good reason to fight for a principle they had. They had in fact no choice. They exhausted every resource of argu-

ment, petition, and legal opposition, and then appealed to arms to decide between them and their mother country. When we say the Revolution was without remote causes, we mean that one can go back to the accession of William of Orange, and come down to the period of the Stamp Act, and in all those years fail to find in the colonies themselves a single indication that, before the century closed, they would be compelled to readjust their relations with England by revolution. The provinces were vigorous growing English communities, full of vitality and accustomed to great political freedom. The people wrangled steadily with their governors, it is true ; for they had always managed their affairs pretty much as they pleased, lived in a new country where tradition was weak, and they resented, in genuine English fashion, anything like undue outside interference with their own concerns. This shows that they needed judicious, firm management, and a colonial policy at once generous and appreciative. If this had been the policy, and above all if there had been no busy and ignorant meddling, all would have gone well. The colonists were perfectly contented with their lot, were thoroughly loyal, loved the mother country, gloried in her victories, sorrowed for her defeats, and had a profound pride in the great empire of which they constituted so important a part. There is absolutely nothing in the history of the English people in America, during the first half of the eighteenth century, to suggest a revolution by force of arms ; much less anything which gives it an inevitable character. The colonies were developing naturally and harmoniously in well-defined and fitting lines. It is easy to say that the conquest of Canada loosened the bonds which held America to England ; but mere increase of opportunity is far from equivalent to cause. It is equally simple to trace the measures from the passage of the Stamp Act to the Declaration of Independence, which brought on revolution with sure and steady steps. But the revolution began with the Stamp Act ; and great revolutions do not spring from the false policy of a narrow-minded minister in the night, and come to maturity in ten years. The immediate causes of the American Revolution are clear and plentiful ; the remote, far-reaching, and true causes cannot be found in the colonies themselves. The Revolution was, in fact, not merely American, but one which affected the whole English race, and which produced results in England only less important than those which it produced here. The remote and governing causes must be looked for elsewhere than in the colonies ; and they well repay the search, for the magnitude of their effects can hardly be overestimated. If Sir Robert Walpole's policy had been pursued ; if the colonies had been simply treated as they always had been, and had been allowed to work out their own destiny in their own way, —



it requires no very violent stretch of the imagination to guess at the result. They would have gone hand in hand with England in the great conflict with France; the political ties would have slowly and imperceptibly weakened; they would have become too powerful to be governed in any degree otherwise than by themselves; and mother and child would finally have parted politically, but have still been held by affection and interest, and possibly united by a treaty of alliance. Perhaps it is as well for the rest of mankind that this is not the case, and that such a gigantic power should not now exist; but its possibility is no very extravagant hypothesis, and the events which prevented its completion and raised up a new nation—to-day one of the greatest and most powerful in the world—well deserve a close study of their remote causes.

The sources of the American Revolution, which beyond the most general conditions imposed by circumstances are sought in vain in the history of the colonies, can readily be discovered in England, of whose empire they were then a part. There the forces which led to this far-reaching change may be found, and there may their growth be traced. The seventeenth century was a period of revolution and turmoil. The victory of constitutional liberty was won with the Prince of Orange, confirmed by the succession of the House of Brunswick, and secured, during the reigns of the first two Georges, by that great statesman, Sir Robert Walpole, who gives his name to the period in which he ruled and to the policy which he originated and established. The object of Walpole was to give England complete rest both at home and abroad in order to allow her strength to be recuperated, her stability to be restored, and, above all, finally to repress contention for the Crown and secure the Protestant succession. That the work was well done the fate of the Young Pretender amply proved. Charles Edward marched to Derby, the inert and feeble ministry quaking with idle fear, and then fell back in ignominious retreat, defeated solely by the inaction of the English Jacobites and the cold dislike of the English people. If this had stood alone, Walpole's wisdom would have been amply justified; but his foresight and sagacity were still further shown when Mr. Pitt, in every way his exact opposite, came to the head of affairs. Dragging England from the slough into which she had been plunged by that greatest of office peddlers and meanest of men the Duke of Newcastle, Pitt raised his country to the height of glory by lavishing, with unstinted hand, the strength which had been stored up by Walpole. We may dislike the methods of the minister who declared, with more truth than civility, "that every man had his price;" but no one can question either his greatness, his services, or his success.

At the same time it must also be admitted that Walpole's policy and

methods had grave faults of their own, or rather magnified and fostered the evil tendencies of the time. In the first place, the issue on which party lines were drawn was almost entirely a moral and personal issue. Constitutional liberty and English freedom had been saved by the revolution of 1688, and the maintenance of the Protestant succession and of the House of Brunswick was the pledge of their security. All that was asked of any man was that he should shout for King George, and cry "Down with King James!" and those who refused soon came to be looked upon as essentially bad men. It was only necessary that a man should be sound on the "main question" to be a good and ruling Whig. If his dynastic views were correct, a Whig might be as corrupt as he pleased, or hold any opinions he chose on any subject of finance, taxation, or administration. This was the result of a struggle in which the life of the nation was at stake, and when political definitions and estimates of character were correspondingly simple. Its effect, however, was, as has always been the case in like instances both before and since, disastrous in the extreme upon the party to whom victory gave uncontrolled power. Every principle of honor and morality was sapped and degraded. Walpole, unfortunately, who was neither refined nor sensitive, used the base passions of the time to serve his own ends, and in so doing subjected them to a hot-house culture. The Whig party became utterly and miserably corrupt and factious, while the Jacobites — who, as a hopeless minority, were necessarily for a longer time a party of conscience and honor — eventually came through the dexterous manipulation of Walpole to be every whit as bad as their opponents. One well-known anecdote sums up, as clearly as possible, the condition of political morality and personal honor among English statesmen in the reign of George II. Walpole and Hardwicke were wrangling over the terms upon which the latter should be made chancellor; and at last Walpole said, "I must offer the seals to Fazakerly!" "Fazakerly!" exclaimed Hardwicke, "impossible! he is certainly a Tory, perhaps a Jacobite!" "It's all very true," said Sir Robert; "but if by one o'clock you do not accept my offer, Fazakerly by two becomes Lord Keeper and one of the stanchest Whigs in all England." As every one knows, Lord Hardwicke was the next chancellor.

Politics in truth had become not simply a mere game, but nothing more than a scramble for places, pensions, contracts, and sinecures. A seat in Parliament was bought to acquire influence which could be sold, and offices were valued simply in proportion to the plunder they afforded. Sir Robert Walpole was dragged from power by a combination of greedy factions, and every successive ministry met its fate in the same way. No principle was ever involved in a change of administration: it was a mere question of "connections" and "arrangements," the distribution of patronage and the share in the spoils.



No one escaped the contagion. Mr. Pitt was an almost solitary exception even in the sordid point of pecuniary honesty, and yet he too could employ a magnificent servility toward his sovereign, and was constantly dealing in his own grand manner in arrangements and intrigues. When he came to power it was by throwing the patronage which he despised to the Duke of Newcastle, as one would throw a bone to a hungry cur; and his advent was not on a question of policy, but to get a great statesman and still greater war minister to carry England through a hitherto disastrous war. The glories of Pitt's administration, which hushed and dazzled Parliament and raised the English race to the highest pitch of greatness which they ever reached under one flag, lift the wretched history of corrupt factions into a purer atmosphere of broad statesmanship and victorious war. The accession of George the Third drove Pitt into retirement, nominally on the issue of war or peace; but the change meant really a reversion to an even worse condition of politics than that which had preceded his ministry.

The degradation of public life and public morals was about to bear fruit. Sooner or later a sovereign was certain to come who would see that by corruption the power which had been grasped by the Whig aristocracy could be torn from them; that it would then be possible to restore the crown to the position which it had occupied in the time of Charles the Second. Everything, however delusive in reality, was to a king in appearance at least peculiarly favorable. The Jacobites and Tories were ready to transfer their loyalty from the hopeless cause of the Stuarts to the reigning house of Brunswick, and they and the Scotch were fully prepared to support any stretch of the prerogative. The once all-powerful Whig party was rent with bitter factions and honey-combed with political and pecuniary corruption, and their politics, as Dr. Johnson said, were no better than the politics of stock-jobbers and the religion of infidels. A far stupider man than George the Third would have seen his opportunity and seized it; a wiser man would have grasped it and used it to good and great purpose. Parliament was open to almost any daring or evil scheme; the king was bent upon restoring the power of the crown; the State was loaded with crying abuses; and underneath, in an unrepresented people of keen political instincts, was a mass of seething, blind, inarticulate opposition and a hot desire for a redress of grievances which they could not themselves explain. It is to this scene in English history that Mr. Trevelyan, whom we have reached in a most roundabout fashion, has addressed himself in the "Early History of Fox."<sup>1</sup>

<sup>1</sup> Early History of Charles James Fox. By George Otto Trevelyan. New York: Harper & Bros., 1880.

The subject is a fine one. The period is full of salient points and of strong contrasts of light and shade. It lends itself especially well to a historian of the school of Lord Macaulay, to which Mr. Trevelyan belongs; and indeed partly by inheritance, partly perhaps by unconscious imitation, his style is strongly tinged with the rich colors employed so unsparingly by his uncle. To a writer with talents of this kind, and with the cast of mind to which the picturesque in history appeals more strongly than anything else, the early days of Fox are peculiarly suited. In historical coloring and effective incident it is, like many other periods of moral and political degradation, marvelously rich. Those were in point of mere power the halcyon days of the aristocracy; and the outside of the time glitters with wit and learning, with art, literature, and belles-lettres as their dress shone with lace and their buckles sparkled with diamonds. It was the age of Chatham and Burke; of Wilkes, Beckford, and Junius; of Barré, Camden, Shelburne, and Conway; of Johnson, Goldsmith, and Garrick. They all live for us upon the noble canvases of Sir Joshua Reynolds, and the great leaders stand out against a gorgeous background of royalty, titles, nobility, and wealth. It was, too, the age of letter-writing, when correspondence was one of the fine arts, — neither too expensive nor too difficult as it had been a century before, nor too rapid and easy as it is at the present day. For this reason rich material lies on the surface, and the picturesque historian does not need to delve deeply, but can gather everything he wants with little pains, troubled only by the task of selection and arrangement. This is the case with Mr. Trevelyan. With Walpole alone almost, — certainly with Walpole supplemented by a dozen or twenty of the best known lives, memoirs, and collections of letters, — the book so far as mere material goes might readily have been written. The investigation of the betting-book at Brookes' is an exception to this general rule; and the results of this bit of research are not only curious, but cast a bright beam of light upon the fashionable and fast life of the time. But the art of a writer like Mr. Trevelyan does not lie in the collection of masses of new material from dusty archives, and the illumination of dark places by deductions which he would thus be enabled to draw. His purpose is to present a many-sided picture of a certain period, and his merit consists in the skill of his drawing and coloring with the materials open to all and readily accessible. In this purpose Mr. Trevelyan has achieved a signal success. He has the true sense of historic effect; and he has what is equally important, the keen love of politics and the strong sympathy with politicians, especially of the Whig school, so essential to the writer who seeks not only to understand the period in question, but to interest his readers in the turns and windings of political management and



intrigue. Mr. Trevelyan's book unrolls a panorama of the early years of George the Third, vigorous in drawing and brilliant in coloring, vivid and distinct. But at this point Mr. Trevelyan stops. He does not seek to disclose the springs of the machinery which he describes; he does not give us the reasons for the existence of the phenomena he has portrayed; he does not tell us what his picture meant at the moment, or what it portended in the future. In thus limiting himself we are inclined to believe that Mr. Trevelyan is artistically right. He leaves his picture to speak for itself to every one who looks upon it, and does not attempt to aid them by a running commentary or explanation. But to the critic or student who is not content to say "brilliant, clever, interesting," and there an end, the very things which Mr. Trevelyan omits are those to which he turns with the deepest interest.

Mr. Trevelyan, however, strikes the key-note in the opening pages, where he speaks of his subject as "a period of transition." It was above all things the period of change. The same forces were at work in England which before the century closed were felt throughout the Western world with the most momentous results. Aristocracy and despotism had in the most enlightened countries done their work as political systems, and in their progress they had become loaded with abuses. Aristocracy might be so modified as still to do good service; but if this failed, then it and despotism alike were doomed: they were passing away, and the problem was how the change could be most easily accomplished. Future history was to be made up of the rise of democracy and the spread of the doctrine of the greatest good of the greatest number, as the true aim of society and government. The student in his library can see all this to-day plainly enough, but it was very dark to the men of the eighteenth century. Some were in absolute darkness, — blind, molelike Tories like Dr. Johnson, and noblemen and gentry not blessed with sufficient strength of intellectual vision. Other and greater minds saw as through a glass darkly, and had even then begun to grope their way about in search of the true means of solving the mighty problem which they felt pressing upon them. To this class belonged in a certain sense Chatham, and in every sense Burke, though he went astray subsequently in the madness naturally awakened by the "Terror." Besides these two there were also Conway, Shelburne, Fox at a later time, and the younger Pitt when he first became minister. But when Mr. Trevelyan's hero came upon the stage of public life the night had not yet lifted, the king was trying his not unreasonable experiment of building up the power of the crown, and a revolution which rent the empire in twain had to be faced before the reforms begun by Fox, continued by Pitt, and arrested for fifty years by the French Revolution became even

barely possible. It was in short the opening period of the era of change and transition with which the eighteenth century closed and the nineteenth began ; and it was moreover a very dangerous and inflammable period, full of possibilities of great good and great evil, and very imperfectly understood by those who acted in it and swayed its fortunes.

Some of Mr. Trevelyan's critics have taken him to task for calling Charles Fox "the first of modern English statesmen." The description is possibly a little too sweeping, but it is essentially correct. In all that time there is no man so thoroughly typical of the period of transition as Fox. Starting as an adherent of the ministry, as a follower of the dark and tortuous path trodden by his father, Fox became on one side a leader of the old constitutional Whigs clinging to their aristocratic traditions, and venerating the principles of the "happy revolution." On the other side he was a man of the future, the reformer of abuses at home and in the colonies, the opponent of slavery, the generous champion of the American colonists and of the people of France. There grew up about him in his later years a set of men who, beginning with domestic reform, with slavery and the criminal law, finally by themselves or by their followers and descendants effected the great changes of 1832 which gave us the England of the present day. Fox was the connecting link between the statesmen of the eighteenth century and those of recent times ; but in all his best and most characteristic qualities he may be fitly styled "the first of modern English statesmen." The ties which bound him to the past led him into the errors and mistakes which warped and maimed his career. It is the Fox of the eighteenth century who served under Lord North, and who entered into the Coalition of 1782. It is the Fox of the nineteenth century, the first of modern English statesmen, who struggled for reform, who almost alone confronted overwhelming majorities, and saw the real meaning and good of the French Revolution through the murky clouds of the "Terror ;" and it is this Charles Fox who came to be the hero and demi-god of the best school of English public men.

The early days of Fox were his worst days. Indeed, in the opening years of his life it is not easy to discover the great liberal of the future. Yet like all the rest of Fox's career his early life was typical. He inherited the doctrines of his father, who was, perhaps, as bad an example as could be found of all the political vices of the eighteenth century in England. Offices and plunder were the creed of the first Lord Holland ; and his son, making himself master of these and backed by bought majorities, astonished the House of Commons by his brilliant, youthful rhetoric, attacking what was right with the same success which he won in later years when he denounced what was wrong.



It was the way of the world into which Charles Fox was born, and he took up all the ways of that world with equal extravagance and success.

This period drawn so vividly for us by Mr. Trevelyan, and in which Charles Fox was cutting a figure which extorted praise and wonder even from the grudging pen of Horace Walpole, was pregnant with great possibilities and destined to bring forth vast changes. The time was ripe for wise and beneficent reforms ; it was also ripe for revolution and disaster. It fell to the lot of George III. to solve the problem. George III. has been to our thinking a much misunderstood character. The popular idea seems to be that he was a well-meaning, honest, stupid, and obstinate man, of irreproachable private life and high notions of the prerogative. There is in this, of course, an element of truth ; but owing largely to Mr. Thackeray his domestic virtues have obscured his public conduct. In his family George III. led the decent, narrow, dull life of a respectable provincial shopkeeper or farmer. It was an agreeable contrast, it must be confessed, to the loose living of his grandfather, the weak profligacy of his father, and the weaker and worse profligacy of his son. At the same time George II., on the whole, was a far more estimable character than his grandson and a far better king. The latter's plain domestic virtues which gave way readily enough at need, — as when the queen made herself the protectress of the tarnished reputation of Mrs. Hastings, — did a world of harm to England. Respectability in private life served George III. many a good turn in his abandoned public career. It is hardly going too far to say that George III., from a public point of view, was one of the worst kings who ever filled the English throne. He was anything but a stupid man ; on the contrary he had great natural abilities and a prodigious capacity for work. He saw the opportunity offered by English politics of regaining by corruption what force had failed to maintain. This opportunity he set himself to improve with the sole idea of building up his own power and prerogatives. He showed in his proceedings a good deal of sagacity ; and his obstinacy was not a mark of dulness, but was the quality which has been of service to many greater men. He fomented and encouraged every factious quarrel, until he had effaced party distinctions and made combinations not merely difficult but well-nigh impossible. He built up a party in politics utterly devoid of principle, and held together solely by attachment to his person. He used every form of corruption in a way which would have astonished even Sir Robert Walpole. Unscrupulous ability he cherished, as in the case of Thurlow and Wedderburn ; but he admitted no other, and most of his ministers were chiefly conspicuous for arrogance and ignorance. His falseness was as great almost as that of the first Charles. There was not an enemy

and hardly a friend whom he did not sooner or later betray if he thought himself liable to be thwarted, or saw in perfidy the means of gaining a point. Such a king was a dangerous ruler for England in 1760, and he had only too good grounds for hoping that his experiment would succeed. He failed by shortness of vision, not through lack of clearness of perception. He saw distinctly his immediate object and all the methods of attaining it; but he saw very dimly, if at all, the remote consequences and the hidden and controlling forces with which he had to grapple. He did not reckon sufficiently upon the power of resistance, the inborn political sense and strong love of liberty inherent in the great mass of the English race. He heard the voices about him, those of court, society, and Parliament, and they flattered his hopes; but he was deaf to the sound of the far mightier voices which came up in hoarse murmurs from an unrepresented and misgoverned people. How far George III. could have succeeded if he had confined himself to England is an open question, so far as momentary success is concerned, although there could have been ultimately but one result. Everything certainly promised immediate success. The opposition was gradually divided, broken up, and discredited by the royal policy, until nothing remained to it but eloquence, character, and ability. All these it had, but no votes, no power. A ministry was at last developed in command of a strong and servile majority and wholly subservient to the Crown; in short a ministry of the king's friends. The outlook at the close of the first decade of George's reign certainly promised well for the prerogative. Things had gone so far that the real question was at bottom, not whether there would be a revolution, but when and where the revolution would come. The remote causes are strewn along the eighteenth century. Change was not only imperative in England but inevitable. George III. forced it forward, and made reform impossible and revolution sure. The warnings of the impending storm were clear enough, but no one heeded them. Wilkes and the Middlesex election shook the kingdom from one end to the other. The excitement of the popular mind at that moment foretold surely the result of the royal policy if persisted in; but the king carried the day and believed himself stronger than ever, and the lesson of the Middlesex electors taught the king and his advisers nothing. The shrill diatribes of Junius struck a responsive chord throughout the country, because they expressed the inarticulate rage of a people shockingly misgoverned. The Court strove to suppress them because they were abusive and seditious, and tended to excite the people. The real meaning and danger of Junius lay not in what he wrote, but in something beyond the reach of prosecutions, — in the popular sympathy with the hidden writer, in the echo of his words among hundreds who felt dumbly all



that Junius expressed. But George III. and his abettors saw none of this: they did not see what the eighteenth century had been preparing; they only knew that they were gaining strength, that they had control of Parliament, and that they had wrested power from the great Whig families. The Whig aristocracy had driven James from the throne and established the House of Brunswick. If this aristocracy, therefore, fell before the Crown, who were left to resist the king? The men who reasoned in this way forgot the people, or rather never considered them as a factor. A new force was arising in the world, — that of the people, of democracy, the force of the future; and it was with this that kings and ministers had to reckon, and not with that of the past, the force of aristocracy. This new element was moving restlessly and unceasingly; but when and where would it be called out? If George III. had confined his work to England, it would sooner or later have sprung into life there, and would have fought its battle at once instead of advancing slowly and in more wholesome fashion for nearly a century. But this was not to be. The English revolution of the eighteenth century was to be fought out in a new world, where the first great uprising of the English people had done so much to plant the germs of powerful States. If a revolution in England had not anticipated that in America, the colonies would sooner or later have come within the scope of George's policy, deriving its strength from the condition of English politics and society. That the provinces were the first to come into conflict with the king was largely due to chance. The close of the French war revealed to politicians — among whom the greed for money was the paramount consideration — thirteen rich, growing, and vigorous commonwealths of which, in the wisdom of Sir Robert Walpole, they had previously known little or nothing. They saw at once that the colonies were very loosely governed and very lightly taxed. An enchanting vista of sinecures and revenue was opened before them, and to the honest, narrow-minded George Grenville a fine opportunity for improved administration and, as a necessary consequence, ignorant meddling. The Stamp Act followed, and there was an explosion of resistance from one end of America to the other, which ought to have been a lesson sufficiently strong to have made the revolution impossible. The Rockingham Whigs repealed the Stamp Act; but like many other excellent and well-meaning men they were weak as well as good, and they pacified themselves and Parliament by declaring that they had the right to do that which they dared not undertake. They salved the wound, but left the sting behind. Sustained by the declaratory act, men who had none of the liberal views or constitutional principles of the Whigs, took up the policy of taxation and interference. There is no need to trace the progress of this policy.

Each step on the part of England was marked by deeper folly than its predecessor. At last the crisis came, and the tea of the East India Company floated in Boston harbor. George III. thoroughly supported, of course, the policy of more government and more interference; but his profound interest was not awakened until he was met by forcible opposition. Boston had openly resisted the power of the Crown and the power of Parliament which the king was absorbing; and this resistance must be crushed. Whether George III. saw his opportunity to repeat the policy of Strafford with a better issue may be doubted; but there can be no question that the tendency of the two schemes was identical, and that a victorious army returning from the conquest of the colonies would have been a fearful menace to England. At all events war was pushed on, and the world knows what came of it. George III. selected the very worst part of his dominion in which to bring his plans to a practical test. He had to deal, not with a weakened aristocracy and a corrupt House of Commons, nor with a rich and extravagant society, but with a simple, frugal, hardy people, neither very rich nor very poor, free from traditions and uncontaminated by the vices of Europe. He was supported by the great mass of his people at home, both high and low; and there is nothing so instructive, in regard to the period described by Mr. Trevelyan, as the attitude of England toward the colonies. They saw neither art, literature, nor great individual wealth in America; and it was assumed that the colonists were poor, ignorant, and sordid. They failed to see that the average of education by any standard of that day was high; and they found out, only by hard experience, that the Americans were keen politicians, thoroughly versed in constitutional principles, and capable of parliamentary debate and of state papers beyond anything that could be produced by an English ministry. But of all their blunders the most imbecile and fatuous was the assumption that the Americans, that the Virginian gentlemen and the descendants of the Roundheads, would not fight; that they were cowards. Lord Sandwich, perhaps the most contemptible of all the contemptible men then in public life, gave utterance to this profound sentiment, and there is every reason to suppose that it met with general concurrence. Ignorance of other people and arrogance toward them have been responsible for almost all the misfortunes and errors of England, but they never cost her so much as in 1776.

There was, too, a fatal defect in George's policy. It had in English society an excellent field for work; but the very condition of the times gave it no material fit for the execution of schemes of war and conquest. The war itself is another vigorous commentary on the condition of England. The recently published history of the Revolution, by an American Tory, tells the story. The author attacks his



rebel countrymen; but his bitterest revilings are reserved for the English armies and generals. The Americans put at their head one of the greatest statesmen and generals combined that the world has ever seen. The English sent Gage, Howe, Clinton, Burgoyne, and Cornwallis to fight their battles. Benjamin Franklin, John Adams, and John Jay represented the colonies abroad; but the names of the Englishmen who were to counteract their diplomacy are forgotten. There is no need to pursue the comparison. It is always the same story.

The revolution which had been preparing in England burst in America; and England was saved from George III., from the schemes of prerogative, and perhaps from civil war. The surrender at Yorktown brought the fall of Lord North. The Rockingham Whigs came into power; but they were too weak, their day had passed, and the death of Lord Rockingham, justly called a "poor creature" by the genial Horace Walpole, was enough to shatter them. There was a vigorous effort for reform, for the storm of the American war cleared the air; but it failed. Then came the infamous coalition, and George III., helpless before an "arrangement" which he had thought to have made impossible, appealed to the people. This was the finishing stroke of the revolution. George III. and the coalition fell together, and the history of England began to flow in new channels, checked and impeded and of sluggish current, but moving steadily in harmony with the democratic tendencies of the age. The great questions underlying all are why George III. could try such a policy with a prospect of success; and why the inevitable and needed change came by a revolution so sweeping that it cost England thirteen colonies, millions of treasure, and a glory which a few years before dazzled the world? The answers are given by Mr. Trevelyan in his picture of the early days of Fox.

HENRY CABOT LODGE.

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## JACQUES OFFENBACH.

O shrieking beloved brother blockheads of Mankind! let us close those wide mouths of ours; let us cease shrieking, and begin considering! — THOMAS CARLYLE.

HOW far human generosity is authorized in putting forth the categorical imperative, *De mortuis nil, nisi bonum*, to the possible hurt of human justice, may be a matter of opinion. It may be possible for our finer feelings almost to respect those old tomb-

stones which, as Dickens says, "droopingly incline from the perpendicular, as if they were ashamed of the lies they tell." It is, upon the whole, an honest love of fair play that leads us to frown upon hitting a man after he is once hopelessly down. Yet we cannot but feel, on the other hand, that the tardy praise which grim Death wrings from lips hitherto practised in sheer objurgation is but a transparent make-believe, which cuts a poor figure enough in the solemn presence of the sternest of human realities. Sleek obituary, panegyrics are too often the mere paper currency of praise, which must soon become depreciated in default of sincere admiration. There are times when the truth, the whole truth, and nothing but the truth is more generous than empty eulogizing. Notably, when a man's earthly career has thrown half the world into hysterics, a return to sober consideration, to a calm and dispassionate examination of the good and evil which were in him, may be a more fitting tribute to his memory than the smooth lying of a conventional funeral oration.

Such a man was Jacques Offenbach. His fortunes in this world were, in one sense, unlike those of most men of genius. To win the respectful recognition of the thinking few during their lifetime, and then die before universal Fame begins to trumpet their praises, is the common lot of great artists. But Offenbach had just the opposite fortune. He was famous, and acclaimed by the masses during his lifetime; but his talent was refused that recognition by the intelligent few which is after all the sweetest praise in the artist's ear. It is only now when he is dead that the leaders of musical thought have deemed him worthy of anything better than mere pooh-poohing, not to mention the shrieking condemnation which the less stolid of his judges at one time thought proper to hurl at his head. But his death seems to have both calmed his loud detractors, and to have opened the eyes of those who persistently ignored him while alive. The more intelligent are even beginning to ask themselves: "Was not he, after all, a man of real genius?" Let us see.

To be so far in advance of one's generation as to take the lead in transforming and reforming popular opinion, by setting up new ideals, has been considered the most authentic charter of original genius. Yet, in lack of such high faculty, are there no other attributes by which genius can be recognized? It seems to me that the man who can securely present himself to the world as the incarnation of certain already existing ideas, who can so grasp the gist of this or that popular tendency as to carry it to its farthest conclusions, and give it unmistakably distinct utterance, is by no means devoid of at least one phase of genius. At the very worst, it bespeaks a certain amount of genuine power for a man to become supremely fashionable all over the civilized world. The ability to lead popular taste is second only to that of leading popular thought and opinion.



Offenbach's talent was of this sort. If any one be inclined to think the word genius a too noble title rightly to be applied to Offenbach's peculiar gifts, let him consider for a moment how widely the man has been imitated, and how far short of the original all imitations have fallen; in a word, how utterly unique he was. That musicians with a high artistic aim in view, and music-lovers jealous of the good repute of the art, should have either decried or ignored Offenbach's talent was perhaps natural. He knew how to give to an undeniably low order of music a degree of prominence in the eyes of the world at large, which might very easily have distracted public attention unduly from the more serious and worthy phases of the art. Musicians in general err on the side of adhering to a too inflexible standard of criticism. As the State does not levy an income tax upon citizens whose yearly earnings do not reach a certain figure, musicians are too prone to look upon all music which does not aim at certain fixed ideals as lying outside the pale of criticism; they only acknowledge its existence when they see it tending to encroach upon their own cherished ground; they then cry out against it as a nuisance, very much as the dandy royally ignores the greasy cad until the latter happens to tread upon his delicate toes in a public conveyance.

Thus musicians and the more serious critics wholly ignored Offenbach until the time when the ever-growing popularity of his works threatened to oust the more "legitimate" musical drama from its rightful place in the world's attention. Then a terrific outcry was raised, and Offenbach was so thoroughly ostracized from artistic respectability that his name became a byword for anything you please that was æsthetically condemnable. It must be admitted that this sort of outlawry sat easily enough upon him. It is also true that the general taboo pronounced against him had its excusable side. Acknowledged (or unacknowledged) guardians of the public taste did not have to consider very nicely the justice of their oburgations from an æsthetic point of view; the man's work was unfortunately so open to attack on ethical grounds, that to sneer at his artistic faculty was superfluous, except in so far as it gave additional spice to the general censure of its moral tendencies. In even the most unbiassed consideration of Offenbach's works it is impossible wholly to lose sight of their peculiar ethical character. In his earlier operettas he was innocent enough. Ambros says:—

"The 'Mariage aux Lanternes' showed Offenbach to be following in Auber's footsteps. But he was to leave that path soon enough. The abysmal corruption of the Second Empire was not to be served with wit and humor *alone*, it demanded a moral game-flavor,—the stronger, the better! Offenbach's comic Muse (or whatever the capricious being who inspires him may be called) began to show

a more and more distinct faun's smile, and 'La Belle Hélène' at last struck the key-note of what has ever since been the prevailing mode with Offenbach, and the *servum pecus imitatorum* who have founded themselves upon him."

One may say that this "moral game-flavor" was an integral factor of Offenbach's talent.<sup>1</sup> The man's success depended upon it to a notable degree. He was a caricaturist rather than a satirist; the true gist of his humor lay in its intrinsic laughableness, not in its power of pointing a moral. Offenbach was anything but didactic. In his humor he knew how to appeal to a certain side of our human nature, which, argue as we may, we must finally acknowledge as a genuine instinct. He took hold of his public by what the French call their inherent *cynisme*, — we have no English word which exactly expresses it. Upon the divine head of every ideal, which by its loftiness could stand as an unpalatable reproach to our human weakness, his cunning hand set the jester's cap and bells, and we suddenly saw all that we had hitherto been impelled to reverence decked out in such antic fashion, so perverted from its native dignity, that what had once been a burning sense of our own shortcomings was straightway smothered in unrestrained laughter.

Offenbach's power was, in a sense, Satanic; he might have said, with Mephistopheles, "*Ich bin der Geist der stets verneint*," — I am the Spirit that denies. He put the negative sign before all our ideals, and thus showed us their pictures as reflected in the Devil's mirror.

Emile Zola has given an admirable description of the effect of this sort of caricature upon the public. He does not mention Offenbach by name, but that was not necessary: —

" . . . From this moment the popularity of the piece was assured; a grand success was developing itself. This carnival of the gods — Olympus dragged through the mire, a whole religion, a whole age of poetry scoffed at — seemed an exquisite treat. The literary world of opening nights caught the fever of irreverence; legend was trampled under foot, antique images broken. Jupiter looked like a fool; Mars was well hit off. Royalty became a farce, and the army a laughing-stock. When Jupiter, suddenly smitten with a little washerwoman, began to dance a furious can-can, Simonne, who played the part of the washerwoman, kicked up her heels into the very face of the father of the gods, calling him 'Old Boy' so drolly that mad laughter shook the house. While they were dancing, Phœbus was standing treat to salad-bowls of negus for Minerva, and Neptune was installed in the midst of a bevy of seven or eight women who regaled him with cookies. Allusions were understood, ribaldries added, inoffensive words perverted from their meaning by exclamations from the stalls. For a long time the public had not wallowed in more disrespectful folly at a theatre. It felt itself a man again."

<sup>1</sup> Of course it may be claimed that this "game-flavor" is to be laid to the charge of his librettists, Meilhac and Halévy; but, apart from the evident fact that it bears Offenbach's endorsement, we must remember that no composer has ever shown himself to be in closer sympathy with his librettists than he. In his operas the music is so indissolubly wedded to the text and action, that we cannot justly consider either apart from the other.



I know of no argument against the immorality of Opéra Bouffe of the Offenbach type more convincing than this simple description, the truthfulness of which is too evident to be questioned. Yet it must be said, in justice, that the ethical point of view is the only one from which Offenbach can be utterly condemned. Schopenhauer has said : —

“The origin of the Laughable is always the paradoxical, and hence unexpected subsumption of an object (*Gegenstand*) under a conception (*Begriff*) which is really irreconcilable with it ; and the phenomenon of laughter always indicates the sudden perception of an incongruity between such a conception and the real object which is comprehended under it ; that is to say, between the Abstract and the Perceptible (*aem Anschaulichen*).”

By the light of this definition of the laughable or comic, we can see the profound meaning of another saying of the same philosopher. He says (I quote from memory) that the tendency of men to indulge themselves in slippery joking on the marriage relation, and all that pertains to the same, springs from their intuitive recognition of this relation as the most entirely serious business of our human life, and the one fraught with the most momentous consequences to human society. To treat this most solemn theme lightly is to do the most incongruous thing in our power, and this incongruity is really the acme of the comic ; to be laughed at, however, only by him who is so dishumanized as to forget that the ghastly joke tells most against himself, — or, as Wagner poetically puts it, by him who “hears not his own shrieks of pain, the while he tears his own flesh.”

If the indecency — to use no worse word — of much of Offenbach's humor is morally condemnable, it yet has its artistic side. If we can use the word *delicacy* at all in such a connection, it may be said that this peculiar game-flavor is the most delicate part of Offenbach's comic faculty, the only part which is not of the nature of broad caricature or farce. We in America have rarely had an opportunity of judging this side of Offenbach aright. The same may be said of England and Germany, with the exception, as Hanslick tells us, of one theatre in Vienna. Bouffe actors, and especially bouffe actresses, throw off all restraint, as a rule, as soon as they leave Paris. They seem to feel that their finer deviltry would be lost upon any but a Paris audience, and become odiously coarse and vulgar in consequence. Any one who remembers the world-wide difference between Mademoiselle Schneider at the “Princess's” in London, and Mademoiselle Schneider at the “Variétés” in Paris, will appreciate the justice of this criticism.

But to leave this side of the picture and turn to a more pleasant one, it must be acknowledged that, clever as Offenbach was as a humorist, he was still cleverer as a musician. His musical faculty

did not show itself very early in life, which is somewhat strange, as men of such absolute spontaneity and originality of musical invention generally begin young. Offenbach's father, who was "cantor" at the synagogue in Cologne, always supposed that an elder brother, who showed quite a pretty talent on the violin, was to be the musician of the family. The only talent the younger "Jacob" had as a boy (so a friend of the family relates) was that of balancing a lithe wire cane on the tip of his nose. But the music was to come with time; and now that we can look calmly back upon the man's career, we can appreciate how unique his talent or genius was. That nothing save his own almost boundless vanity could ever imagine that he reached a high musical plane need hardly be said. His musical "learning," as the term goes, was infinitesimal; so soon as he attempted any complex, or even any very serious, musical task he found himself completely at a loss. In this respect he resembled some of the old Troubadours, — say Adam de la Halle, — who sang as the bird sings when they wrote songs, but made a dire mess of it when they turned to counterpoint.

Yet in his small way Offenbach possessed a power which was akin to what, in a composer of higher flight, would be called a rare mastery over musical form. In some of his *finales*, many of which are quite long, he shows an unflagging power of keeping the music a-going that many contemporary composers of a much higher stamp might well have envied him. His melodic invention was very great, and he rarely wrote a phrase that did not bear the unmistakable stamp of his individuality. That piquant, rollicking, *canaille* rhythm of his has never been caught by any of his imitators. His melodies have been called vulgar. Well, compared with Mozart's "Voi che sapete" or "Finch' han dal vino," they are. But vulgar is a rather dull word to apply to Offenbach's music; it is too *spirituelle* for that. The word *canaille* (as opposed to *bourgeois*) better expresses it. "C'est une musique de saltimbanque, si vous voulez; mais ce n'est pas une musique d'épicier," said a French critic; a phrase the subtle meaning of which is wholly lost in English. In fact it takes the French language adequately to describe a talent that was so thoroughly Parisian as Offenbach's. Perhaps I can give the English-speaking reader no better clew to its meaning than by asking him to compare the jiggy little melody in the overture to Flotow's "Stradella" with "Quand les gens de la noce" in Offenbach's "La Jolie Parfumeuse." If there be one element in which Offenbach's music is more wanting than in another, it is that essentially mediocre quality which we call *respectability*. He was no "gig-man." His music bears the stamp of that curious return to Arcadian freedom and simplicity in the midst of modern social machinery which is known as Bohemianism. "La vie



de Bohème," that strange idyl in which bricks and mortar stand for trees and hedges, asphalt and cobble-stones take the place of corn-fields and green meadows, and tallow dips do the work of the eternal stars, breathes the peculiar atmosphere which encompasses Offenbach's melody. It has all its audacity, all its grace, all its piquancy. Zola speaks of one of his characters as having "cette adorable laideur de gamine parisienne," — that adorable ugliness of the Parisian she-ragamuffin; and, when we are told that Offenbach's music is vulgar, we can say that it has the "adorable" *canaille* zest of social Bohemia.

In one respect Offenbach was thoroughly the artist; he had the true artist's conscientiousness and respect for his work. Those flip-pant little melodies of his, which sound as if they had sprouted from his brain between a glass of punch and a cigarette, represent a vast amount of honest labor. We talk of spontaneous inspiration as if genius had nothing to do but to let works of art flow out of itself as water runs from a hydrant, by simply turning a faucet. No, this is not the way genius works; the germ of the masterpiece does come spontaneously, no one knows how, nor whence; but, to make that germ grow, to make the inspiration assume a worthy and organic shape, takes work, and much work. People hear of the lazy ease with which Rossini wrote many of his most entrancing compositions, and are ready to swoon with admiration at such facility of invention. If Rossini really did write these things *easily*, the less artist he; he cheated the world of half the legitimate fruits of his genius.

Offenbach never tired of retouching, remodelling, elaborating his melodies until he had got them just right. Never was composer more earnest in his endeavors exactly to suit his music to the dramatic situation. The melody and rhythm must fit the verse and action to a T. It is lucky that his vanity lead him to take himself as seriously as he did; really to imagine himself to be a musical heavy-weight. Had he written as flippantly as he was destined to be listened to, he would have done nothing worth the notice of anybody. It is only the sincerest work that can produce music so individual, so piquant, and so inimitable as his. You can tell it anywhere. His imitators, Hervé and Lecocq, are better musicians technically than he. But they have never been able to catch his accent, to reproduce the snap of his rhythms. His exquisite sense of humor is foreign to their writing. When they parody a great composer, they give us a clever imitation at best. But when Offenbach caricatures the style of some famous man, we well-nigh roll on the ground with laughter. There is nothing funnier in all music than some of the passages in which he hits off Meyerbeer. What musician with a grain of humor in his composition can hear the recitative, "Que veut dire

ce double cri?" and the following chorus on two contrasted themes, "Ah, la bonne aubaine," in the last act of "Les Brigands," without laughing heartily? How the good Hérold would have roared to hear the wild fun Offenbach pokes at his overture to "Zampa" in "Le Corsaire Noir!" But, apart from this sort of parody, Offenbach could be funny in other ways. Take the first finale in "La Périchole" as an example.

Like that of some other great men, Offenbach's career may be divided into three periods. As a young man, he wrote opera after opera without succeeding in finding favor in the eyes of any Paris manager. In desperation he set up a little theatre of his own on the Champs-Élysées in 1855 (the year of the International Exhibition), at which he produced a host of pieces in one act. It was a lucky move on his part; for he at last hit upon a style which was wholly congenial to his peculiar talent, and his recognition by the public dates from this year. "Le Mariage aux Lanternes," "Monsieur et Madame Denis," "La Chanson de Fortunio," "Les deux Aveugles," and other things of the sort made for him quite a solid reputation. His possible dangerous side had not yet shown itself, and he won ready recognition from musicians of all classes. Rossini, the man of all others to detect the pure gold in his talent, laughingly dubbed him "the Mozart of the Champs-Élysées." Hanslick says; "Of all Offenbach's works, the group of one-act pieces interspersed with songs, with their irresistible humor and perfect form, please us to-day more than any others. How many potentates of *la haute critique* would fain persuade themselves and others that such trifles are easily written! Yes, so they are for any one gifted by the grace of God. But why is this gift so rare?"

It was by the works of his second period, which may be roughly dated as beginning with the year 1860, that Offenbach really founded the species of musico-dramatic art which is known as Opéra-Bouffe. With "Orphée aux Enfers," "La Belle Hélène," "Barbe-Bleue," "Geneviève de Brabant," "La Grande Duchesse de Gérolstein," and other works, he entered upon larger musical and comic domain. The development of his style was quite proportionate to the growth of his task. It is in these operas that his power as a caricaturist shows itself in all its glory. To quote Ambros once more:—

"Offenbach, with the peculiar tendency of his talent, has trod the field of parody *con amore*, and, considering his success with the public, with very firm step. The antique world of the gods (Orpheus), the world of Heroes (Helen), the Arcadian Shepherd-world (Daphnis and Chloë), mediaeval Romance (Genevieve), the people's Fairy-tale (Bluebeard), even specifically Venetian Romance (Bridge of Sighs), have all had to submit to being led up to his distorting mirror, and to grin back upon us in comically grotesque grimaces. The matter is not so unus-



picious and innocent as it looks. All the material which artists have hitherto turned to account, in which they have sought their ideals, is here to be pushed *ad absurdum*; we feel as if Mephisto, under the elegant mask of a 'man of the times,' were smiling sardonically at us, and asking us if the whole bag and baggage of antiquity and romance be really worth a rap. Offenbach has not as yet parodied Dante's 'Divina Commedia,' but who knows what may come to pass? What will be left for him to do, if a *tabula rasa* is made in this fashion? As a last resort, the jubilant can-can, which exultingly throws up its legs toward the Heaven, to which others raise their arms in adoration; or, there still remains something 'positive,' 'La Vie Parisienne,' which, by the way, Offenbach has also set to music."

About 1870, that is after "La Grande Duchesse," Offenbach grew less grotesque in his travesties, and evidently aimed at higher things. It is here that his third period begins. He did not wholly give up his whilom spirit of fantastic caricature, but it was no longer the prime moving power in his work. The first few pieces of this period are thoroughly charming. Such are "La Périchole" (which belongs to his third period by its character, if not quite by its date), "La Princesse de Trébizonde," "La Vie Parisienne" (in which he relapses somewhat into his second manner), and, above all, "Vert-Vert." When he tried to ascend still higher in the scale, as in "Le Roi Barkouf" and "Robinson Crusoë," he failed signally. He could not walk securely in the higher forms of composition. Almost as disastrous were his attempts at combining Opéra-Bouffe with the spectacular Ballet-Drama of the "Black Crook" sort. Such hybrid forms as his remodelled version of "Orphée" (written for the Théâtre de la Gaité), his "Fantasio," "La Boule de Neige," "Le Corsaire Noir" (written for Vienna), and "Le Roi Carotte" are hardly worthy of his genius. For one thing the libretti were out of his peculiar vein. In "Le Roi Carotte," however, there is much charming music; once, indeed, he almost rises to the impressive pitch, in the quartet among the ruins of Pompeii:—

"Débris dont l'aspect nous transporte  
Aux grands jours d'un peuple effacé!"

The duet of pedlers — "Nous venons du fin fond de la Perse" — in the same opera is charmingly graceful, and he has perhaps never shown more irresistible *verve* and *entrain* than in the railway song "La Locomotive."

"Les Brigands" is almost a complete return to his second manner, albeit some numbers are quite elaborate. It, as well as other later works, shows how Offenbach appreciated his real power. If in those operas, "La Jolie Parfumeuse," "La Boulangère a des Ecus," "Madame l'Archiduc," "Madame Favart," and "La Fille du Tambour Major," he showed signs of his spring of melody running dry, he only plagiarized himself. He remained original to the end, always unique and inimitable.

What makes Offenbach's future popularity — what we call his "immortality" — very questionable is the unfortunate fact that the special public for whom he wrote really cared more for the "game-flavor" in his operas than for their intrinsic comicality, or their music. When people go to a theatre in such a frame of mind, they must be continually served with novelty. Thus Offenbach, even before his death, had begun to go out of fashion in Paris, and even his inferior imitators are now more successful with the public than he, — they are newer. And if Offenbach opera is looked upon coldly at its very headquarters, there is little hope for its enduring popularity elsewhere. It is a "suspicious" article, at best, and the music is too firmly wedded to the text to hope to live apart from it.

WILLIAM F. APTHORP.





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## THE ILIAD OF INDIA.

### · II.

THE SWARGAROHANA PARVA OF THE MAHÁBHÁRATA; OR,  
"THE ENTRY INTO HEAVEN."

*To Narayen, Lord of lords, be glory given,  
To Queen Saraswati be praise in heaven;  
Unto Vyâsa pay the reverence due,  
So may this story its high course pursue.*

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THEN Janmejaya said: "I am fain to learn  
How it befell with my great forefathers,  
The Pandu chiefs and Dhritirashtra's sons,  
Being to heaven ascended. If thou know'st, —  
And thou know'st all, whom wise Vyâsa taught, —  
Tell me, how fared it with those mighty souls?"

Answered the Sage: "Hear of thy forefathers —  
Great Yudhisthira and the Pandu lords —  
How it befell. When thus the blameless king  
Was entered into heaven, there he beheld  
Duryodhana, his foe, throned as a god  
Amid the gods; splendidly sate that prince,  
Peaceful and proud, the radiance of his brows  
Far-shining like the sun's; and round him thronged  
Spirits of light, with Sádhyas, — companies  
Goodly to see. But when the king beheld



Duryodhana in bliss, and not his own, —  
 Not Draupadī, nor Bhīma, nor the rest, —  
 With quick-averted face and angry eyes  
 The monarch spake: 'Keep heaven for such as these  
 If these come here! I do not wish to dwell  
 Where he is, whom I hated rightfully,  
 Being a covetous and witless prince,  
 Whose deed it was that in wild fields of war  
 Brothers and friends by mutual slaughter fell,  
 While our swords smote, sharpened so wrathfully  
 By all those wrongs borne wandering in the woods.  
 But Draupadī's the deepest wrong, for he —  
 He who sits there — haled her before the court,  
 Seizing that sweet and virtuous lady — he! —  
 With grievous hand wound in her tresses. Gods,  
 I cannot look upon him! Sith't is so,  
 Where are my brothers? Thither will I go!'

"Smiling, bright Narada, the God, replied:  
 'Speak thou not rashly! Say not this, O King!  
 Those who come here lay enmities aside.  
 O Yudhisthira, long-armed monarch, hear!  
 Duryodhana is cleansed of sin; he sits  
 Worshipful as the saints, worshipped by saints  
 And kings who lived and died in virtue's path,  
 Attaining to the joys which heroes gain  
 Who yield their breath in battle. Even so  
 He that did wrong thee, knowing not thy worth,  
 Hath won before thee hither, raised to bliss  
 For lordliness, and valor free of fear.  
 Ah, well-belovèd son! ponder thou not  
 The memory of that gaming, nor the griefs  
 Of Draupadī, nor any vanished hurt  
 Wrought in the passing shows of life by craft  
 Or wasteful war. Throne happy at the side  
 Of this thy happy foeman, — wiser now;  
 For here is Paradise, thou chief of men!  
 And in its holy air hatreds are dead.'

"Thus by the god addressed the Kuru king  
 Answered uncomfited: 'Duryodhana,  
 If he attains, attains; yet not the less  
 Evil he lived and ill he died, — a heart  
 Impious and harmful, bringing woes to all,

To friends and foes. His was the crime which cost  
 Our land its warriors, horses, elephants ;  
 His the black sin that set us in the field,  
 Burning for rightful vengeance. Ye are gods,  
 And just ; and ye have granted heaven to him.  
 Show me the regions, therefore, where they dwell,  
 My brothers, those, the noble-souled, the loyal,  
 Who kept the sacred laws, who swerved no step  
 From virtue's path, who spake the truth, and lived  
 Foremost of warriors. Where is Kunti's son,  
 The hero-hearted Karna ? Where are gone  
 Sátyaki, Dhrishtadyumna, with their sons ?  
 And where those famous chiefs who fought for me,  
 Dying a splendid death ? I see them not.  
 O Narada, I see them not ! No King  
 Draupada ! no Viráta ! no glad face  
 Of Dhrishtaketu ! no Shikandina,  
 Prince of Panchála, nor his princely boys !  
 Nor Abhimanyu the unconquerable !  
 President Gods of heaven ! I see not here  
 Radha's bright son, nor Yudhamanyu,  
 Nor Uttamanjaso, his brother dear !  
 Where are those noble Maharashtra lords,  
 Rajahs and rajpoots, slain for love of us ?  
 Dwell they in glory elsewhere, not yet seen ?  
 If they be here, high Gods ! and those with them  
 For whose sweet sakes I lived, here will I live,  
 Meek-hearted ; but if such be not adjudged  
 Worthy, I am not worthy, nor my soul  
 Willing to rest without them. Ah, I burn,  
 Now in glad heaven, with grief, bethinking me  
 Of those my mother's words, what time I poured  
 Death-water for my dead at Kurkshetra, —  
 " Pour for Prince Karna, Son ! " but I wist not  
 His feet were as my mother's feet, his blood  
 Her blood, my blood. O Gods ! I did not know,  
 Albeit Sakra's self had failed to break  
 Our battle, where *he* stood. I crave to see  
 Surya's child, that glorious chief who fell  
 By Saryasáchi's hand, unknown of me ;  
 And Bhíma ! ah, my Bhíma ! dearer far  
 Than life to me ; Arjuna, like a god,  
 Nakla and Sahadev, twin lords of war,  
 With tenderest Draupadí ! Show me those souls !



I cannot tarry where I have them not.  
 Bliss is not blissful, just and mighty Ones !  
 Save if I rest beside them. Heaven is there  
 Where Love and Faith make heaven. Let me go !'

"And answer made the hearkening heavenly Ones :  
 'Go, if it seemeth good to thee, dear Son !  
 The King of gods commands we do thy will.'

"So saying (the Sage went on) Dharma's own voice  
 Gave ordinance, and from the shining bands  
 A golden Deva glided, taking hest  
 To guide the king there where his kinsmen were.  
 So wended these, the holy angel first,  
 And in his steps the king, close following.  
 Together passed they through the gates of pearl,  
 Together heard them close ; then to the left  
 Descending, by a path evil and dark,  
 Hard to be traversed, rugged, entered they  
 The ' SINNERS ' ROAD.' The tread of sinful feet  
 Matted the thick thorns carpeting its slope ;  
 The smell of sin hung foul on them ; the mire  
 About their roots was trampled filth of flesh  
 Horrid with rottenness, and splashed with gore  
 Curdling in crimson puddles ; where there buzzed  
 And sucked and settled creatures of the swamp,  
 Hideous in wing and sting, gnat-clouds and flies,  
 With moths, toads, newts, and snakes red-gulleted,  
 And livid, loathsome worms, writhing in slime  
 Forth from skull-holes and scalps and tumbled bones.  
 A burning forest shut the roadside in  
 On either hand, and 'mid its crackling boughs  
 Perched ghastly birds, or flapped amongst the flames, —  
 Vultures and kites and crows, — with brazen plumes  
 And beaks of iron ; and these grisly fowl  
 Screamed to the shrieks of Prets, lean, famished ghosts,  
 Featureless, eyeless, having pin-point mouths,  
 Hungering, but hard to fill, — all swooping down  
 To gorge upon the meat of wicked ones ;  
 Whereof the limbs disparted, trunks and heads,  
 Offal and marrow, littered all the way.  
 By such a path the king passed, sore afeared  
 If he had known of fear, for the air stank  
 With carrion stench, sickly to breathe ; and lo !

Presently 'thwart the pathway foamed a flood  
 Of boiling waves, rolling down corpses. This  
 They passed, and then the Asipatra wood  
 Spread black in sight, whereof the undergrowth  
 Was sword-blades, every blade spitting some wretch ;  
 All around poison trees ; and next to this,  
 Strewn deep with fiery sands, an awful waste,  
 Wherethrough the wicked toiled with blistering feet,  
 'Midst rocks of brass, red hot, which scorched, and pools  
 Of bubbling pitch that gulfed them. Last the gorge  
 Of Kutashála Mali, — frightful gate  
 Of utmost Hell, with utmost horrors filled.  
 Deadly and nameless were the plagues seen there ;  
 Which when the monarch reached, nigh overborne  
 By terrors and the reek of tortured flesh,  
 Unto the angel spake he : ' Whither goes  
 This hateful road, and where be they I seek,  
 Yet find not ? ' Answer made the heavenly One :  
 ' Hither, great King, it was commanded me  
 To bring thy steps. If thou be'st overborne,  
 It is commanded that I lead thee back  
 To where the gods wait. Wilt thou turn and mount ? '

" Then ( O thou Son of Bhárat ! ) Yudhisthir  
 Turned heavenward his face, so was he moved  
 With horror and the hanging stench, and spent  
 By toil of that black travel. But his feet  
 Scarce one stride measured, when about the place  
 Pitiful accents rang : ' Alas, sweet King ! —  
 Ah, saintly Lord ! — Ah, Thou that hast attained  
 Place with the Blesséd, Pandu's offspring ! — pause  
 A little while, for love of us who cry !  
 Naught can harm *thee* in all this baneful place ;  
 But at thy coming there 'gan blow a breeze  
 Balmy and soothing, bringing us relief.  
 O Pritha's son, mightiest of men ! we breathe  
 Glad breath again to see thee ; we have peace  
 One moment in our agonies. Stay here  
 One moment more, Bhárata's child ! Go not,  
 Thou glory of the Kurus ! Being here,  
 Hell softens and our bitter pains relax.'

" These pleadings, wailing all around the place,  
 Heard the King Yudhisthira, — words of woe



Humble and eager; and compassion seized  
 His lordly mind. 'Poor souls unknown!' he sighed,  
 And hellwards turned anew; for what those were,  
 Whence such beseeching voices, and of whom,  
 That son of Pandu wist not, — only wist  
 That all the noxious murk was filled with forms,  
 Shadowy, in anguish, crying grace of him.  
 Wherefore he called aloud, 'Who speaks with me?  
 What do ye here, and what things suffer ye?'  
 Then from the black depth piteously there came  
 Answers of whispered suffering: 'Karna I,  
 O King!' and yet another, 'O my Liege,  
 Thy Bhíma speaks!' and then a voice again,  
 'I am Arjuna, Brother!' and again,  
 'Nakla is here and Sahadev!' and last  
 A moan of music from the darkness sighed,  
 'Draupadí cries to thee!' Thereat broke forth  
 The monarch's spirit, — knowing so the sound  
 Of each familiar voice, — 'What doom is this?  
 What have my well-belovèd wrought to earn  
 Death with the damned, or life loathlier than death  
 In Narak's midst? Hath Karna erred so deep,  
 Bhíma, Arjuna, or the glorious twins,  
 Or she, the slender-waisted, sweetest, best,  
 My princess, — that Duryodhana should sit  
 Peaceful in Paradise with all his crew,  
 Throned by Mahendra and the shining gods?  
 How should these fail of bliss, and he attain?  
 What were their sins to his, their splendid faults?  
 For if they slipped, it was in virtue's way  
 Serving good laws, performing holy rites,  
 Boundless in gifts and faithful to the death.  
 These be their well-known voices! Are ye here,  
 Souls I loved best? Dream I, belike, asleep,  
 Or rave I, maddened with accursèd sights  
 And death-reeks of this hellish air?'

" Thereat

For pity and for pain the king waxed wroth.  
 That soul fear could no' shake, nor trials tire,  
 Burned terrible with tenderness, the while  
 His eyes searched all the gloom, his planted feet  
 Stood fast in the mid horrors. Well-nigh, then,  
 He cursed the gods; well-nigh that steadfast mind

Broke from its faith in virtue. But he stayed  
 Th' indignant passion, softly speaking this  
 Unto the angel: 'Go to those thou serv'st;  
 Tell them I come not thither. Say I stand  
 Here in the throat of hell, and here will bide —  
 Nay, if I perish — while my well-belov'd  
 Win ease and peace by any pains of mine.'

"Whereupon, nought replied the shining One,  
 But straight repaired unto the upper light,  
 Where Sákra sate above the gods, and spake  
 Before the gods the message of the king."

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"Afterward, what befell?" the prince inquired.

"Afterward, Princely One!" replied the Sage,  
 "At hearing and at knowing that high deed  
 (Great Yudhisthira braving hell for love),  
 The Presences of Paradise uprose,  
 Each Splendor in his place, — god Sákra chief;  
 Together rose they, and together stepped  
 Down from their thrones, treading the nether road  
 Where Yudhisthira tarried. Sákra led  
 The shining van, and Dharma, Lord of laws,  
 Paced glorious next. O Son of Bhárata,  
 While that celestial company came down —  
 Pure as the white stars sweeping through the sky,  
 And brighter than their brilliance — look! Hell's shades  
 Melted before them; warm gleams drowned the gloom;  
 Soft, lovely scenes rolled over the ill sights;  
 Peace calmed the cries of torment; in its bed  
 The boiling river shrank, quiet and clear;  
 The Asipatra Vana — awful wood —  
 Blossomed with colors; all those cruel blades,  
 And dreadful rocks, and piteous scattered wreck  
 Of writhing bodies, where the king had passed,  
 Vanished as dreams fade. Cool and fragrant went  
 A wind before their faces, as these gods  
 Drew radiant to the presence of the king, —  
 Maruts; and Vasus eight, who shine and serve  
 Round Indra; Rudras; Aswins; and those Six  
 Immortal Lords of light beyond our light,



Th' Adityas ; Saddhyas ; Siddhas, — these were there,  
With angels, saints, and habitants of heaven,  
Smiling resplendent round the steadfast prince.

“Then spake the God of gods these gracious words  
To Yudhisthira, standing in that place :—

“‘King Yudhisthira ! O thou long-armed Lord,  
This is enough ! All Heaven is glad of thee.  
It is enough ! Come, thou most blessèd one,  
Unto thy peace, well-gained. Lay here aside  
Thy loving wrath, and hear the speech of Heaven.  
It is appointed that all kings see hell.  
The reckonings for the life of men are twain :  
Of each man's righteous deeds a tally true,  
A tally true of each man's evil deeds.  
Who hath wrought little right, to him is paid  
A little bliss in Swarga, then the woe  
Which purges ; who much right hath wrought, from him  
The little ill by lighter pains is cleansed,  
And then the joys. Sweet is peace after pain,  
And bitter pain which follows peace ; yet they  
Who sorely sin taste of the heaven they miss,  
And they that suffer quit their debt at last.  
Lo ! We have loved thee, laying hard on thee  
Grievous assaults of soul, and this black road.  
Bethink thee : by a semblance once, dear Son !  
Drona thou didst beguile ; and once, dear Son !  
Semblance of hell hath so thy sin assoiled,  
Which passeth with these shadows. Even thus  
Thy Bhíma came a little space t' account,  
Draupadí, Krishna, — all whom thou didst love,  
Never again to lose ! Come, First of Men !  
These be delivered and their quittance made.  
Also the princes, son of Bhárata !  
Who fell beside thee fighting, have attained.  
Come thou to see ! Karna, whom thou didst mourn, —  
That mightiest archer, master in all wars, —  
He hath attained, shining as doth the sun ;  
Come thou and see ! Grieve no more, King of Men !  
Whose love helped them and thee, and hath its meed.  
Rajas and maharajahs, warriors, aids, —  
All thine are thine forever. Krishna waits  
To greet thee coming, 'compained by gods,

Seated in heaven, from toils and sorrows saved.  
 Son! there is golden fruit of noble deeds,  
 Of prayer, alms, sacrifice. The most just gods  
 Keep thee thy place above the highest saints,  
 Where thou shalt sit, divine, compassed about  
 With royal souls in bliss, as Hari sits;  
 Seeing Mándhátá crowned, and Bhagirath,  
 Daushyanti, Bhárata, with all thy line.  
 Now therefore wash thee in this holy stream,  
 Gunga's pure fount, whereof the bright waves bless  
 All the Three Worlds. It will so change thy flesh  
 To likeness of th' immortal, thou shalt leave  
 Passions and aches and tears behind thee there.'

"And when the awful Sákra thus had said,  
 Lo! Dharma spake, — th' embodied Lord of Right : —

"'Bho! bho! I am well pleased! Hail to thee, Chief!  
 Worthy, and wise, and firm. Thy faith is full,  
 Thy virtue, and thy patience, and thy truth,  
 And thy self-mastery. Thrice I put thee, King!  
 Unto the trial. In the Dwaita wood,  
 The day of sacrifice, — then thou stood'st fast;  
 Next, on thy brethren's death and Draupadí's,  
 When, as a dog, I followed thee, and found  
 Thy spirit constant to the meanest friend.  
 Here was the third and sorest touchstone, Son!  
 That thou shouldst hear thy brothers cry in hell,  
 And yet abide to help them. Pritha's child,  
 We love thee! Thou art fortunate and pure,  
 Past trials now. Thou art approved, and they  
 Thou lov'st have tasted hell only a space,  
 Not meriting to suffer more than when  
 An evil dream doth come, and Indra's beam  
 Ends it with radiance — as this vision ends.  
 It is appointed that all flesh see death,  
 And therefore thou hast borne the passing pangs,  
 Briefest for thee, and brief for those of thine, —  
 Bhíma the faithful, and the valiant twins  
 Nakla and Sahadev, and those great hearts  
 Karna, Arjuna, with thy princess dear,  
 Draupadí. Come, thou best-belovèd Son,  
 Blessed of all thy line! Bathe in this stream, —  
 It is great Gunga, flowing through Three Worlds.'



"Thus high-accosted, the rejoicing king  
 (Thy ancestor, O Liege!) proceeded straight  
 Unto that river's brink, which floweth pure  
 Through the Three Worlds, mighty, and sweet, and praised.  
 There, being bathed, the body of the king  
 Put off its mortal, coming up arrayed  
 In grace celestial, washed from soils of sin,  
 From passion, pain, and change. So, hand in hand  
 With brother-gods, glorious went Yudhisthir,  
 Lauded by lovely minstrelsy, and songs  
 Of unknown music, where those heroes stood —  
 The princes of the Pandavas, his kin —  
 And lotus-eyed and loveliest Draupadī,  
 Waiting to greet him, gladdening and glad."

EDWIN ARNOLD.

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## IMPROVEMENTS IN PRISON DISCIPLINE.

**T**HE International Prison Congress which met at Stockholm in  
 1878 closed the record of its interesting and important sessions  
 with the following pregnant sentences :—

"In a few years there will be no nation which will not understand that it is its  
 interest not only to strike crime, but to dry up its sources ; not only to apply the  
 penalties, but to render them useless ; not only to construct prisons, but to empty  
 them. For these objects two things are necessary : to make those better whose  
 faults lead them to prison ; and to separate those whom abandonment, misery, or  
 vice bring together."

The prison systems of our several States are organized and sus-  
 tained almost without exception upon the principle of punishment.  
 The penal laws declare that he who is found guilty of certain offences  
 against society shall be imprisoned at hard labor for periods of greater  
 or less duration. Over the doors of each of our prisons, at the head  
 of each of our penal codes, might well be written, "He that sinneth  
 shall bear the penalty of his transgression." This is just and right.  
 The laws which society has made for its own protection should not be  
 broken with impunity. The man who yields to criminal impulses  
 should be made to understand in the sternest manner that such yield-  
 ing entails suffering upon himself. There is no justice where there is  
 no penalty. Crime must be struck ; we cannot help it if we would,  
 nor would we if we could.

But the penal system which stops at this point is only begun. The State which administers justice only upon the principle of repression will fight a necessary but never ceasing battle against evil, — a battle in which the odds are against her from the beginning. She may stamp out the individual offender, but she increases the criminal class. Every industrial or commercial crisis which disturbs the relations between capital and labor, every period of financial prostration which checks production and takes from the unfortunate or the improvident the means of daily subsistence, will give new strength and impulse to the tide of crime, of which idleness and ignorance are the never-failing sources. If we would meet this tide successfully, we must advance far beyond our present lines. We must not only *punish* crime, but we must *cure* the criminal. We must not only reform the prisoner, but we must prevent the origin and spread of the criminal influences which have brought him to prison, and are leading countless thousands in the same bad road. Admitting the absolute necessity of most that we now do in our treatment of crime, that admission only makes more imperative the necessity of improvement and extension. Crime is frequently compared to disease, and the analogy, though far from complete, is striking in many particulars. In its injurious effects upon the criminal himself as well as upon society, and especially in its deadly contagion, the similarity is almost perfect; and these are the principal features with which we have to do. Yet we treat the criminal very differently from the victim of disease. Having established the fact of his unfitness to be left at large, we separate him from society. But how long? Till he is cured? This is what we ought logically to do if we consider it our business to protect society. But in fact we do nothing of the kind; at least, not usually. The penalty of the law entirely ignores the cure of the patient. The judge who sentences him to prison does not say, "To be kept until you are reformed." Far from it. He tells the prisoner: "You have broken the law, and you must in consequence suffer a certain specific penalty. If it leads you to true penitence and reformation, so much the better; but whether it does or not, you have just so long to suffer, and at the end of that time, though you may be and very possibly will be worse and more dangerous to society than you are to-day, you will again be turned loose upon it. You will be released, not even as you were before, but with a stigma, a brand upon you, which will make you shunned and spurned by respectable people, bar the door of nine work-shops out of ten against you, and send you a fugitive and a vagabond to the companionship of the criminal and vicious." This is the meaning of most of our criminal sentences. Is it necessary to say that they are illogical and unwise? What would be thought of the officers who having a victim of small-pox, or a dangerous lunatic, upon their



hands should send him to a hospital or an asylum for a certain specific time, beyond which the warden should retain him at his peril? If a criminal act has proved a man dangerous to society, should not the law restrain him until that danger ceases? Is it wise to inflict a heavy penalty upon the sinner, and then, after we may have infuriated him with our rigor, turn him out with the bitter sarcasm, "Go, and sin no more, lest a worse evil befall thee"? We do not act thus with our sick or insane. We hold them not only till they are cured, but till the danger of their infecting others and injuring society is passed. But our convicts, whose moral malady is at least equally fatal, we sometimes keep for years after they have given the best evidence of reformation, while we often discharge them when we know that they are worse and more dangerous than they were before we took them in hand. Is it strange that these men go out of prison to form schools and centres of crime? Is it remarkable that, hardened and reckless, losing faith in the human justice which shows itself so incapable of dealing with them fitly, and forgetting that divine justice whose ways are inscrutable to their darkened understanding, they add crime to crime, — so that men may be found in our State-prisons who are serving out their fifth, sixth, or seventh sentences, and who are certain to fall into crime the moment the prison door shall have closed behind them?

"But these men," it is said, "cannot be reformed." Whether this be true or not, let us grant it for the sake of the argument. There are some criminals upon whom the ordinary means of reformation are thrown away. So much the stronger is the reason why we should hold them fast. We do not turn loose the savage beast because we have failed to tame him; we do not release the victim of acute mania whose paroxysms have become chronic, — and we owe it to ourselves at all hazards and at any cost to make the bonds of the confirmed criminal sure and strong. It were better a thousand times to kill him, as our fathers did, than to allow him to go forth not only himself to prey upon society, but to inoculate the young, the weak, and the viciously inclined with his abominable distemper. So long as we let him live, we are worse than weak if we fail to make him live where he cannot practise the evil that is in him.

The first step, then, that we need to take toward the conclusion of the Stockholm Congress is to make our sentences *indeterminate*, or partially so. Let our convicts be sent to prison for a term not less than the shortest affixed to their offences, and let them remain there until they have given as thorough evidence as is possible of reform, — evidence satisfactory to a board of examiners appointed for the purpose, of whom the warden of the institution shall always be one. It is objected to this that a tremendous power is thus placed in the

hands of a Board. So it is. But where is that power left now? In the hands of the judge, who hears and sees only a single phase of the life of the offender, and whose discretionary power is truly frightful. This in itself is one of the most serious blemishes in our criminal systems. One judge will send a convict to State-prison for a year for an offence for which his associate in an adjoining county will give ten days in the county jail. "Law," said an experienced and thoughtful lawyer, "is very often the private opinion of the judge." Criminal law is too often the expression of the judge's caprice, his personal feeling, or the irritation of the passing moment. A collation of the sentences pronounced in the criminal courts of the several counties of any State, with a fair statement of the facts in each case, would be one of the saddest of the records of human attempts at administering justice. The court upon a single act fixes the destiny of the accused for one year, five years, ten years, or for life. The board to which it is proposed to refer it would act in view of the record of his behavior under most trying and difficult circumstances for one or more years, during which the prisoner would know that his future depended very largely upon his efforts toward a better life. Such a board might err at times, but it would have the means of a surer justice than any judge could possibly obtain during a trial; and while it might do infinitely better than our isolated judges now do it could hardly do worse, and it would have the great advantage of subjecting all the prisoners in one or in a set of penal institutions to a single and uniform standard, instead of to a dozen or fifty varying ones as is now the case. Such a process would add to the means of reform in our prisons the element of hope, — the greatest of moral forces, — which we have hitherto almost entirely eliminated from our system. We now tell our convicts: "Do your best or your worst, — the result will be nearly the same in most of the essentials of your prison life. You may, by obedience to the prison rules and a fair attention to business, reduce the time of your imprisonment by a few days or weeks; but the general specific term of your sentence must be fulfilled. So many months or years of your life must be passed here, equally whether your conduct is good or bad, whether you grow better or worse." Suppose, on the other hand, we were to say: "You must, it is true, stay here during the shortest period which the law has affixed to your offence; that much of penalty your crime demands, and it must be paid. But after that your sojourn depends upon yourself. It is your interest to be manly and regular and industrious, because by doing so you will be restored so much the sooner to the liberty you have lost. It is our interest to help you to do this in the shortest time and in the best manner." Does any one need to be told the power of such a proposal fairly and clearly made, and honestly enforced?



Suppose we should go further; suppose we should say: "The cost of your trial and maintenance here amount to so much, — so many cents per day. This we are entitled to expect from you. He who breaks the law should, so far as he is able, pay the expense of its enforcement; and the surest evidence of penitence is restitution. Earn for us the given amount daily, and all you can earn more, by overwork or otherwise, will be passed to your credit in the Savings Bank, or paid to your family if you so choose. The State seeks no profit from you. It is willing to help you just as soon and just as far as you are willing to help yourself." Would not this add a powerful incentive to the convict's performance? Would not his work be better in quality and greater in quantity at once? Look at our present system of convict labor, in which all interest in the kind or amount of the work is stricken out, except what arises from the fear of punishment. A task graded to the capacity of the incompetent or indifferent; a standard of quality gauged in the same manner; each man encouraged and invited to keep down to that standard and never to exceed it; to do just work enough, not too badly, to escape punishment, — this is the basis on which convict labor is brought into the market; this is the great reason why the States can sell the labor of an able-bodied man, with shop-room and other items thrown in, for scarcely more than fifty cents per day, — one half, one third, one fifth, or even one tenth the price eagerly paid for a free man's labor in the same branches outside of the prisons. This is the great reason why our prisons fail to be self-sustaining. We take from convict labor all inducement to excellence; we take from the prisoner all interest in his work; we make him a slave, doomed for a certain definite period to unrequited toil; and we offer him a premium on his stupidity, his carelessness, his laziness, or his vicious propensities. In other words, we encourage bad qualities instead of seeking to form good habits. We complain that our men are not taught useful trades in prison while in fact we do our best to make them mere machines accustomed to do only a single minute subdivision of a trade, with no encouragement to do even that much of it with excellence, or to seek to learn the completing parts of it. We write over the doors of these work-shops, "Abandon, all ye who enter here, not hope only, but ambition, emulation, manhood!" Are men reformed in this way? Is this the best process we can devise "to make those better whose faults lead them to prison"?

Let us illustrate this portion of the subject by borrowing a part of the interesting report made by Mr. Fernand Desportes of his visit to the prison of Wormwood Scrubs in England, which is being built from foundation to roof-tree by convict labor, from materials prepared and fitted by convict mechanics. Having related how the convicts, after

the first temporary enclosure and barracks had been erected by the contractors, took the work into their hands and carried it on in all its processes, he then goes on to say : —

“ In going through these works pursued with so much activity, it was difficult for me to imagine that these workmen who labored in silence, without losing a moment, in admirable order, were perhaps the worst malefactors in Great Britain. But for their dress, stamped with the marks of their bondage, I should have very soon forgotten that I was looking at prisoners constructing their prison. When I expressed my surprise that the administration had been able to make of such men a *personnel* so skilful and varied, the Governor, to whose kindness I owed all this information, replied : ‘ The five hundred and seventy convicts who work here now have been carefully selected from the healthiest and youngest prisoners. They are all between eighteen and forty years of age, and were chosen without regard to the nature and duration of their punishment ; several of them, in fact, are here for life. There is no difficulty in finding among them carpenters, joiners, locksmiths, mechanics, and slaters, all trained and requiring no apprenticeship. The brick-makers and masons are the only ones of whom we do not get enough. In these branches six months suffice to make a good workman. We begin by setting the convict to work as a laborer. He carries the clay, the brick, the other materials. Then he works by the side of a more skilful man, whose helper he becomes, and with whom he easily learns his trade.’

“ This strange company appears to be easier to manage than free workmen. There are no quarrels, no grumbling, or ill-will to fear. Fourteen carbines constitute the entire armament of the place. It is difficult to obtain by force and intimidation devotion or even obedience. Servile labor passes for less productive than that of free workmen ; and yet, upon the testimony of their chiefs, these convicts *are better workmen than free laborers in general*.

“ What motive do they obey ? What is the cause of the activity, the docility, which they display ? It is not the hope of gain ; their labor is not remunerated. If they earn any wages at all, the sum is insignificant, can be of no use to them for the time, and is never given to them ; it is simply credited to their account, and forms a fund which when they leave prison is confided to the Society of Patronage (for the aid of discharged convicts), to be kept for their best interest. The English administration never permits a convict to have money at his disposal, and leaves him no possibility of spending any. The system is the same for all, and no one can render it better for himself by paying money. The convicts cannot employ the money left at their disposal honestly, and so they never should have any. The means of action employed is the system of marks only.

“ Arriving at the place of penal servitude already tamed, if not transformed, by a stay of nine months in a solitary cell, the convict is subjected to an extremely severe regimen, in which he is allowed only that least amount of comfort and of food which it is not possible to refuse him. He knows that he will remain under this regimen indefinitely, if his conduct — without even being bad, and thus exposing him to be sent back to the solitary confinement he has left — is not satisfactory. But he knows also that the amelioration of his condition depends upon himself ; and that if he behaves well, if by his submission and activity he obtains the good points fixed by the regulation, he will pass into a less painful category. He knows that the sooner he gains the number of good points the sooner his lot will be made easier ; that none of his efforts will be lost ; that all the good he does will be noted, and will earn its recompense for him. He knows also that the good points will not only relax the severity of his prison treatment, but after a certain



time will permit him to be set at liberty conditionally, and thus diminish by a quarter the total duration of his penalty ; and finally that they will earn for him the aid of the Society of Patronage after his liberation. It is by this graduated system of recompenses, in making the convicts the arbiters of their own lot, in attaching an immediate and certain interest to their good conduct, that the English administration secures the remarkable results I have noted at Wormwood Scrubs, — making them good workmen, and procuring gratuitously the skill necessary for the execution of its works.

“ I cannot tell you how I have been struck by the moral and truly penitential side of this system ; how fit it has seemed for the restoration of the criminal to give him habits of order, of work, of discipline ; how it has seemed to justify the important fact which the English statistics have shown for some years, — a notable decrease in the number of great crimes.”

By this, it is clear that to enable prisoners to be safely and easily kept ; to make their work abundant in quantity and excellent in quality ; to train them into mechanical skill of a high order ; to initiate them into good habits, and accustom them to the idea of honest labor, — it is only necessary to open before them the prospect of better treatment in prison and conditional release after a certain part of their term has expired, to be attained by steady obedience and good conduct, without the added incentive of a part of their earnings. How great this last may be is shown by the experiment of the late Mr. Cordier, when in charge of the workhouse of Alleghany County, Pennsylvania, in which the amount of work done by each man was doubled, and even trebled, by giving him a share of the proceeds of his work after the regular task was done. Men who had been finishing seven barrels a day, when they found that they could receive five cents for each additional one after that number was complete, made from twenty to twenty-five barrels daily, of a better quality than before ; and the discipline of the prison was greatly improved by the change.

Suppose we should combine the two systems. Suppose we should add to the English system of marks and grades — very much of which we have in operation at the Elmira Reformatory in the State of New York — the system of participation in their earnings above the necessary cost of their support, so successfully carried out by Mr. Cordier. Suppose we should tell our prisoners : “ You may not only work your way up to a milder treatment, a better cell, better food, and less degrading associations, and shorten the period of your imprisonment ; but you may enjoy a moderate share of the fruits of your labor besides, if you will but do your best. On the other hand there is the lowest grade, the degrading prison uniform, the bare and repulsive cell, the coarsest food, the roughest work, or no work at all : choose between them.” Does any one doubt that the result of such an offer would be to stimulate the hands and quicken the hearts of all convicts not hopelessly and utterly wedded to crime ?

It is often said that the reform of the prisoner should be the first consideration in his treatment. Without arguing this, it may be well to ask if any true reform is likely to be made which is not self-sustaining? Our prisons are not charitable institutions. The able-bodied man who commits a crime has no right to expect to be maintained at honest people's expense. He is not to be coaxed and petted and pampered into a better life. He must *work* out his salvation if he attains it at all, and every advance in his condition should be paid for by his own toil. The reform which would make a penal institution a burden upon the community is not likely to be good for the criminal. His debt to the State should be paid to the uttermost farthing, before he receives anything more than his necessary maintenance. But having discharged that debt, having brought forth fruits meet for repentance, let him in due season enjoy them. Take away from him the too ready excuse that the State is little if any more honest than he, in withholding from him the pittance he has fairly earned. Let him know that in her treatment of her erring, fallen children she is in all things inflexibly just. Men in prison expect severity and meet it with submission, but none are quicker to see injustice or inequality. They bear harsh treatment without murmuring, if satisfied that it is not dictated by tyranny or oppression.

Probably the English prison-system taken as a whole is far more rigid than our own. Nine months of solitary confinement at the beginning is in itself more than an equivalent for two years of ordinary confinement at hard labor; and this is the inflexible rule of the English system for the higher crimes and misdemeanors. The most hardened offender leaves that ordeal crushed and broken in a greater or less degree. To the man who has been left to his own thoughts for nine long months work is kindness, and the rudest, hardest labor is a mitigation. It may be wise to engraft a part at least of such a beginning of prison life upon our own systems; to enact that for a number of months or weeks, graduated according to the character of the criminal and the nature of his offence, he should be condemned to close imprisonment in the solitary cell, and that work should afterward be given to him rather as a reward for submission than as a punishment. This part of the question of prison reform is still open. But there can scarcely be two opinions upon the desirability of such a reconstruction of our system as will, first, separate the merely incidental offender from the hardened criminal; second, make the term of imprisonment depend upon the reform of the prisoner; and, third, allow him to earn mitigation of the rigor of his punishment, and some portion of the proceeds of his labor, by good conduct and thorough workmanship. Many an inmate of a prison has never known what prolonged, serious, productive labor is. After he has



tried the experiment long enough to become accustomed to it, and to observe its benefits, he may feel a novel pleasure in it. Habit is immensely powerful. A habit of steady labor for moderate but sure remuneration is well worth cultivating, and might often be expected to survive the necessity under which it was first contracted. By these means we shall not only "strike crime," but we shall "dry up" some at least of "its sources." We shall "not only apply the penalties but render them needless; not only build prisons, but empty them."

A. S. MEYRICK.

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### "THE FIRST AMERICAN BISHOP."

AFTER the lapse of nearly a century from its date in time, the Rev. Dr. E. E. Beardsley, Rector of St. Thomas' Church, New Haven, and the able and faithful historian of Episcopacy in Connecticut, has taken in hand a most interesting and important subject of biographical and historical materials; and the result is a well filled volume devoted to the "Life and Correspondence of the Right Rev. Samuel Seabury, D.D., First Bishop of Connecticut, and of the Episcopal Church in the United States of America." The work has evidently been a labor of love on the part of the author. A perusal of it will abundantly indicate to the reader that it has been wrought under a constraining sense of obligation, and with reference to the claims of its subject for a clear and impartial presentation, and perhaps vindication, of some incidents in his career and representative character which have been imperfectly and even unjustly dealt with by others. Dr. Beardsley has had to recognize and discuss some matters of extreme delicacy in their bearings, and which have for a century, even to this present year, engaged variances of opinion and feeling within his own communion. If one not within that communion may with due propriety pronounce impartially upon the tone, method, and merits of this volume, the writer can but say that it is written in a most admirable spirit, with dignity, candor, and conscientious fidelity, with a fond and tender respect for, and a lofty appreciation of, the character and services of its subject, and with an exhaustive thoroughness of research in gathering and commenting upon all documentary materials. To a reader already defined as not a member of the Episcopal communion the perusal of the volume opens two very distinct lines of thought, suggestive of observations on its theme. One of these follows the life of Bishop Seabury, as, in devoted fidelity to the Church which he so revered and served,

he sought that it should be planted in its full ecclesiastical character and efficiency in the former colonies of Great Britain, and found such sympathizing helpers in the effort as to see it crowned with perfect success. The other line of thought prompted by the subject is broader, involving interesting historical relations, and leading within the confines of debatable matters long agitated, but happily now unembittered.

Bishop Seabury in person and office must have precedence. Born in Groton, Connecticut, in 1729, of Puritan lineage, his grandfather being a Congregational deacon, and his father—a graduate of Harvard—having been four years a Congregational minister, he himself was baptized in infancy in that fold. Dr. Beardsley does not tell us whether Bishop Seabury had this initiatory rite repeated in his own case, though it seems that, regarding such baptism as invalid, he re-baptized candidates for confirmation who had not been reared in his church. His father, having been brought by marriage into intimacy with members of the Church of England, abandoned his ministry, received holy orders in England in 1730, and became a salaried missionary of the Propagation Society in New London. His infant son was trained in the church communion, graduated at Yale, studied medicine at Edinburgh, was ordained as deacon and priest in London in 1753, and served as missionary in New Jersey, Long Island, and Westchester, New York, a most faithful clergyman and a loyal subject of the king. He took a zealous part in the second concerted effort, prompted by Dr. Chandler of New Jersey in 1766, to secure an American Episcopate, an earlier one having been made in Massachusetts by Rev. Mr. Apthorp in 1761. With conscientious and bold decision Seabury, from the first mutterings of the rebellion clinging with unswerving and whole-hearted loyalty to the royal side, was not only out of sympathy with the popular cause, but put himself in stout opposition to it, writing pamphlets against it under a pseudonym, and attending meetings of remonstrance. Of course, like many even less obnoxious loyalists, he was driven from his parish, arrested, restrained in Connecticut, and robbed of property. He sought the protection of the British General in New York, where he was free to pray for the king, eking out his subsistence by the practice of medicine, and in 1778 obtaining a chaplaincy in a loyal regiment. It is plain that Seabury must have had high qualities of character and many attractive and influential ways of impressing others and winning respect for himself, from the tolerance and consideration which he soon after attained in his native province. Though he recognized and obeyed the new form of government succeeding there, his love and preference seem ever after to have clung to the repudiated monarchy, and he never qualified his conviction



and avowal that the colonies had made a serious mistake in severing their allegiance. More than this, to his dying day his chief support came from his half-pay of £50 for his former chaplaincy, and from an equal amount annually contributed by friends in England.

In view of the results and consequences following the neglect, it is one of the abounding perplexities to us in the whole course of procedure of England towards her colonies, that she never put them into organic relations with her church by establishing bishops here. This on many occasions she could have done notwithstanding any amount of opposition raised in the colonies. A patent had been drawn under Charles II. for a bishop in Virginia, but the king died before signing it, and the opposition afterward was more effective than any favoring of the measure. The matter was embarrassed and complicated by the mischievous relations between Church and State. To a bishop belonged jurisdiction, a see, and a support; and to an English bishop, the powers and functions of a spiritual peer. How was he to secure such in these colonies? George I. granted, and George II. renewed, a commission to the Bishop of London giving him charge of the clergy in America. But as this was not renewed after the death of Archbishop Gibson, all such jurisdiction practically failed.

In 1713 the Society for Propagating the Gospel, founded in England at the beginning of the century, presented to Queen Anne a scheme for American bishops, and the members of the King's Chapel in Boston followed this up with a petition in favor of it. The papers are said to have been "intercepted, but not delivered, and were transmitted to Boston." Just before the war there were about eighty Episcopal ministers in the colonies north and east of Maryland, all but two or three of them in the pay of the Propagation Society. There were four in Philadelphia and six more in other parts of Pennsylvania. There were about a hundred in Virginia, most of whom the candid church historians have described as discreditable to the Church and of poor repute among the people. Twelve of these had sought in a meeting held by them to institute measures for obtaining an American bishop, but as four entered a protest and the petition did not receive the support of a majority of the clergy as was required, it does not appear to have crossed the sea. The Episcopal laity never united in any appeal to England for a bishop. When the reading or the omission of the prayers for the king and the royal family became the test of disaffection or sympathy with the popular cause, the ordeal was a very trying one for the clergy. Bishop White, who omitted those prayers, says that for an interval he was the only one in Pennsylvania who continued to officiate.

Simultaneously with the appearance of Dr. Beardsley's work, the

Rev. B. F. De Costa has republished, with valuable introductory matter and annotations of his own, "Bishop White's Memoirs of the Protestant Episcopal Church in these States." This revered and beloved prelate, whose sweet and saintly countenance as a frontispiece to his volume is enough to commend it to a reader's confidence and respect, may well hold the precedence of regard and veneration in his communion. He also had many tender and difficult incidental matters with which to deal. But the gentleness and delicacy of his spirit, the prudential reserve, and the kindly consideration of his method and tone are so strikingly exhibited in his pages, that the reader is occasionally left in doubt of the bishop's own feeling or judgment on some matters, while his meaning is not always to be clearly inferred.

The opposition to the introduction of colonial bishops seems to have been most strongly felt and manifested in Virginia. This fact is all the more strange when we consider that Episcopacy was from the first the established and recognized religion of the Old Dominion. In 1740 there was not a dissenting congregation in Virginia, a few Quakers representing all the unchurched. But thirty years afterward there were eleven settled dissenting ministers, and abounding errant sectaries. In the debates and variances preceding the Revolution four of the clergy who had received their ordination and commission in England united, as has been said, in a petition to the throne against an American Episcopate, and received for so doing the thanks of the House of Burgesses. We have most candid and faithful accounts of the dissensions on this subject in Virginia and Maryland from the pen of the Rev. Jonathan Boucher, an Englishman. He was "a political preacher" of the most pronounced character, a very accomplished scholar, a thorough gentleman, an eloquent and earnest divine, and a bold and consistent champion of the church and king, in fidelity to his ordination vows. He saw the storm that was coming, and in the successive parishes held by him, two in Virginia and two in Maryland, between 1763 and 1775, he stood stoutly for loyalty in Church and State, for the divine right of royalty, and for passive obedience. He could do no less under his ordination promise, and his brave fidelity did him honor. Driven from the country, he obtained an English vicarage. With the same high consistency to principle, he published in London in 1797 thirteen of the political discourses which he had preached before the war, with illustrative notes and an historical preface. He dedicated the volume in most respectful terms to Washington, a former intimate acquaintance. He apprehended all sorts of disaster and calamity to our country in its independence, and seems to have had an especial aversion to Dr. Franklin.

The provoking obstacles and embarrassments which obstructed



the attempts to obtain consecration for American bishops after the peace, furnish very striking illustrations of the keenness of that instinct for liberty which had prompted the colonists to a jealous dread of prelacy before the war. English bishops here would have been one thing; American bishops were quite another. Dr. Seabury used to sign his name "S., Bishop of Connecticut," — the S. probably standing for Samuel, — which he was not; the State has a governor but not a bishop. He followed in this style the usage of English bishops with local bounds to their civil sees. One of the conditions which the Archbishop of Canterbury exacted for consecrating Dr. Seabury was that his application should be enforced by a request from the State of Connecticut. This preposterous demand was easily disposed of. But had bishops with powers and jurisdiction conferred by the Crown been established in the respective colonies before the war, the perplexities resulting from the rupture would have been greatly complicated. The colonies disposed in a very summary way of English governors. What would they have done with English bishops? If Presbyters like Caner, Peters, Seabury, and Boucher, in fidelity to their ordination vows as simple missionaries, met with discomfiture, how would prelates have been dealt with?

The "patriot leaders" among the Episcopalians and the Congregationalists, who united in opposing an American Episcopate, may or may not have had in view all that was involved in the matter just suggested, but their opposition none the less would have been warranted by it. "Orders" and consecration in the English Church of course required oaths of allegiance and loyalty to the sovereign head of that church as a temporal monarch, and passive obedience was an accepted construction of loyalty. A sentence from one of the homilies of the church defines that duty of loyalty thus: "Lucifer was the first author and founder of rebellion. Kings and princes, as well the evil as the good, do reign by God's ordinance, and subjects are bound to obey them although they be wicked men. A rebel is worse than the worst prince, and a rebellion worse than the worst government of the worst prince that hath hitherto been." Bishop Andrews, speaking the judgment of hundreds of his brother prelates, denied "that all government is only for the benefit of those governed; for some government is merely for the benefit of the superior, as that of a lord or master over his servants."<sup>1</sup>

Had there been in each of the thirteen colonies an English prelate with his subordinate clergy at the outbreak of our Revolution, the internal contentions and animosities of the time would have been intensely aggravated, and the disposal of claims and contested rights

<sup>1</sup> Sermons on the Commandments.

after the struggle closed would have vastly enhanced the sense and nature of private grievances, many and sharp as these were. As it was, the English clergy here, as missionaries of the Propagation Society, who remained faithful to their oaths, felt themselves deeply outraged, because, while their salaries or pensions were at once stopped, no stipulation was made for their relief or security any more than for any class of loyalists. They were left like the Mohawk allies of Great Britain, to grieve over broken pledges.

Before the war there were twenty Episcopal missionaries in Connecticut, with twice that number of places where they, or lay readers, officiated. Fourteen of these missionaries were left there after the peace. Ten of these by their own instigation, without the knowledge of any of the laity or of the clergy in the other States, met together confidentially, at the end of March, 1783, at the village of Woodbury, and there, after wise debate, decided to send one of their number with proper testimonials to England, to obtain consecration as a bishop from the English prelates; or, failing in that, from the non-juring bishops of the politically discredited church of Scotland. The approval of some clergymen of New York, and of Carleton the British governor and general still there, was procured under the same secrecy. The documents addressed to the prelates were admirably drawn, with great precision, judgment, and dignity, and presented the appeal with cogency. The earnestness of this measure and also the secrecy with which it was conducted were avowedly prompted for those who took part in it by a vague rumor coming from the South, and by a mysterious pamphlet from Philadelphia, afterward known to be the production of Rev. Mr. White. This pamphlet, indicating a low type of churchmanship, while admitting a preference for the full Episcopal order, under the supposition that it could not for the present be secured, advocated a temporary substitute by an arrangement to be made by a conference of Presbyters and laymen. Certain liberties were also to be taken with the Prayer-book, as well as with the constitution of the church. Evidence there seems to be, though vaguely attested on record, that there were among many Southern Episcopalians at that time somewhat pronounced "liberal tendencies" so called, which only discreet and considerate treatment suppressed.

To a certain extent the way was prepared even in Puritan New England for a favorable establishment of Episcopacy. At the first settlement of Massachusetts there were individuals who were attached to and who desired to observe the forms of the Church of England, and who regarded themselves as arbitrarily denied baptism for their children, and a participation in the sacrament for themselves. A proportion of the new-comers from time to time were Episcopalians. The severity of the Puritan discipline alienated from it individuals or



groups of persons in every considerable town. When the Society for the Propagation of the Gospel in Foreign Parts sent hither or took into its pay those who had gone from here to obtain "orders" as its missionaries, there was much irritation of feeling because those missionaries established themselves in thriving and well-settled communities which were abundantly supplied with Christian ministers and institutions. It was alleged that their work was simply that of proselyters and promoters of disaffection. Reflections were cast upon them as perverting funds designed for gospel work among Indians, fishermen, and others destitute of religious privileges. These reflections were to a degree unjust, for the last mentioned objects of the Society held only the second place in its charter, the primary one being gospel work "in our colonies and factories abroad." Still, there was reason for the complaint that these missions were most active where there was comparatively the least urgent need of them. In 1740 there were fifteen missionaries in New England, where Dr. Bray, the commissary of the Bishop of London, wrote that there was no occasion for any, while the Southern colonies were almost wholly neglected. Archbishop Secker, in a sermon before the Society, made such representations of the state of religion in New England as were pronounced false and scandalous.

Seabury, furnished with all the documents which were thought necessary, sailed on his sacred mission in June, 1783, and arrived in London early in July. Only about a year afterward, in May, 1784, at a meeting of Episcopal clergy and laymen from New York, Pennsylvania, and New Jersey, held at New Brunswick, did the secret of the Connecticut movement come to the knowledge of their brethren. Doubtless one of the reasons for the jealousy and unwillingness of official recognition afterward manifested by many of them towards Seabury, may have arisen from pique that, without seeking counsel or co-operation, he had thus covertly got the start of them. Another reason subsequently confirmed the same alienation on account of the source from which he obtained consecration, and also his strong "sacramentarian" principles. It seems to an impartial inquirer as if there could be no question but that in the wishes and purposes of the leading Episcopalians at that critical period, as represented by White, some very important and fundamental, not to say radical, changes in the church constitution, offices, and discipline were meditated. The lay element was to have a fuller recognition. That mysterious volume called "The Proposed Book" as a substitute for the English manual for worship still baffles the inquiries of the uninitiated, though there may be some who are privy to its secrets.

Representing about a dozen clergymen, and, as he set the number, some 30,000 (?) Episcopalians, in Connecticut, Seabury presented

himself before the English prelates seeking the coveted boon of consecration. The embarrassments of a church affiliated with and held in subjection by the civil State at once confronted him. It seemed as if it was to prove more difficult to secure an American Episcopate after the acknowledgment of our Independence than it had been before. The bishops consulted by him were at their wits' end, wishing to grant Seabury's request, but fettered by restraints. An absolute permission granted by the king, which it was questionable whether he would, or by his prerogative could, yield, — or, more than this, an Act of Parliament obtained through the prime minister, — was thought to be requisite for bestowing consecration with "the omission of the State oaths." One of the difficulties which had always impeded the attempts for an American Episcopate was the apprehended opposition of the English dissenters, who were strong in London, in Parliament, and in influence with the sovereign. Finding the prelates so divided in opinion about his request, Seabury was forced to continue the secrecy of his scheme in England, lest the dissenters might be tempted to ask our authorities in America to oppose it. The two archbishops presented as the obstacles to their action substantially these: that they had no right to send a bishop to Connecticut without the consent of the State; that he would not be received as such; that there would be no adequate support for him; that the royal council must concur with the king in dispensing with the oaths; and that for this concurrence they would require the permission of the authorities of the State of Connecticut for the residence of a bishop there. Seabury wrote to his friends at home advising an immediate application to the State for such permission, as his scheme was getting publicity. Knowing that his Tory repute might make him personally objectionable, he would not insist on the condition that he himself, if any one, should have the favor granted to him. The prelates were evidently timid and reluctant about acting without ministerial aid, the securing of which was doubtful. They were sensitive also about making a strolling or mendicant bishop, without a sustaining see. Certain wise men among the leading legislators of Connecticut, on being privately consulted by Seabury's brother clergy, judged that it would stir strong opposition in the Assembly to ask for a special recognition of a bishop, and that he must be content to come in under the general provision which left all religious denominations and their usages free and on an equality. As for subsistence, a Connecticut bishop must depend upon plain living, voluntary gifts, and Providence. A year's patient and earnest effort in London, at his own charges, did not one whit advance Seabury's wishes. When one prelate was to a degree conciliated, another would start an objection. Perhaps all



of them became a little weary of Seabury's presence and persistency. The king's dispensation, or an Act of a Parliament which cared nothing about the matter, were the alternative pre-requisites. Parliament at last authorized the Bishop of London to ordain foreign deacons and priests, but not to consecrate a bishop.

Thwarted but not disheartened, Seabury, surrendering all hope of realizing his wishes in England, wrote home for a renewal of the alternative privilege which had from the first been granted to him of seeking consecration from the representatives of the nonjuring Episcopate in Scotland. This was a discredited and disfranchised succession from the prelacy of the old Scotch church who at the revolution would not forswear themselves to the Stuart dynasty by swearing allegiance to their royal substitutes. There were at the time of Seabury's errand four bishops of this sort, with forty-two clergy under them. They were under the ban and in ill odor in England, and disesteemed by their brother prelates. By an Act of George II. a penalty of six months' imprisonment, with final transportation, was denounced upon any number of the communion more than five who should meet for worship, and this could be only in a private dwelling. They were forbidden to officiate at all in England. Seabury and his clerical supporters, however, were perfectly satisfied of the "validity" of the Episcopal succession, which it was their paramount object to secure through these Scotch nonjurors. Through the aid of a few friends and correspondence with these bishops, Seabury was encouraged; and he presented himself in Aberdeen in November, 1784. Here, however, a temporary discomfiture awaited him. Dr. William Smith, a Scotchman and an Episcopalian, connected with literary institutions in Philadelphia and Maryland, and who was believed to be desirous of being made a bishop himself, addressed a letter to one of the Scotch prelates, in which he asserted that Seabury was acting in opposition to the views of the English archbishops, who regarded him as an unfit person, on account of his intense Toryism; and that, as political animosities had not yet subsided, his consecration as a bishop would be very prejudicial to the feeble cause of Episcopacy in the former colonies.

This mischievous interference proved ineffectual. In the upper story, fitted up as a chapel, of the private house of Bishop Skinner, in a little alley in Aberdeen, two other bishops assisting, Seabury was consecrated, Nov. 14, 1784, and the proper documents were attested. Among these was a "concordate" between these Scotch Episcopalians and those of Connecticut. In one of its articles the Connecticut clergy were pledged, "when in Scotland, not to hold communion in sacred offices with those persons who, under pretence of ordination by an English or Irish bishop, do or shall take upon

them to officiate as clergymen in any part of the National Church of Scotland, and whom the Scottish bishops cannot help looking upon as schismatical intruders, etc." It is in view of such bickerings running down in the line of ecclesiasticism that those who have broken from its bonds are wont to congratulate themselves on their freedom ; while those who stand outside find fresh occasion to marvel that Christians should so subordinate the pressing demands of essential practical religion in heart and life to petty squabbles about their own invented theories and traditions. Another article in the "concordate" committed Seabury and his clergy to a preference of the Scotch office at the sacrament, — another matter in which Seabury was afterward at variance with his American brethren. The sermon preached at his consecration was published without the name of the preacher, or mention of the place where the services were performed. Several articles in the "Gentleman's Magazine" for 1785 criticise the affair, especially for a reflection cast in the sermon on the course of the English prelates. Seabury was said to have been made a bishop *in partibus infidelium*. When he returned to England he found that many who professed to be friendly to him greatly regretted his proceedings, regarded him as having been precipitate, and withheld their countenance. His consecration was not recognized in London ; he was not addressed by his title of bishop, nor invited by any of the clergy to preach. To a letter to the secretary of the Society of which he had for thirty-one years been a devoted missionary, asking about the continuance of his salary, he received a reply addressed "to the Rev. Dr. Seabury," that he was no longer one of its missionaries, its rule comprehending only British dependencies. Bishop Seabury reached home in June, 1785, after his lengthened absence, and at once began his official work. He gathered under him twenty Connecticut clergymen by whom he was formally recognized, and to whom he delivered his Episcopal charge.

During his absence schemes and efforts had been in progress by Episcopalians in some of the other States, wholly independent of the Connecticut movement. There were reasonable fears of measures and action inconsistent with harmony, union, and ecclesiastical order in these proceedings. Mr. Boucher had been informed of something which he described as "a wild purpose of forming a coalition between the Episcopalians and the Presbyterians." The allowance of laymen in clerical councils, projected changes in the liturgy and in the constitution and discipline, foreboded dissension and schism. Bishop Seabury was put in an awkward position, as regards what was done and proposed during his absence and after his return, at these tentative conferences, and by the withholding of due recognition from him. The result was a clerical and lay convention in Philadelphia, in Sep-



tember, 1785, in which measures were adopted, by members from seven of the States, to procure consecration for three bishops from prelates of the English line. This second effort had great advantages in method and patronage over that in Connecticut. It was entered upon in a thoroughly business-like way. A correspondence was opened with the English prelates, the friendly but unofficial aid of John Adams, the American ambassador, was enlisted, and certificates, such as could consistently be furnished by men in executive positions in several of the States, were obtained. After some exchange of objections and answers as to alterations in the liturgy, and the allowance of King and Parliament, with the restriction that none of the American clergy should exercise clerical functions in any of the King's dominions, the way was cleared for success. Three candidates were selected to be sent to England for consecration,—Drs. White of Philadelphia, Provoost of New York, and Griffith of Virginia. The last named, for lack of means, did not go; the other two were consecrated at Lambeth by the two archbishops and two other bishops, on Feb. 4, 1787. The good Bishop White very delicately notes, that what would now be called the "tips" on the occasion amounted to £14 3s. 1d.

A fixed understanding, if not a positive pledge, seems to have been established between Bishops White and Provoost and the English prelates, that the former should not engage in the consecration of an American bishop until a third one deriving from the English establishment had been added to them. For, while it was theoretically allowable that in an extreme necessity a single bishop might consecrate another, three officials were regarded as properly requisite. To what extent they were in obligation bound by this condition does not in form appear, but it is certain that Bishops White and Provoost acted upon it much to the perplexity, annoyance, and trial of the feelings of Bishop Seabury, who conducted himself with self-respect and firm dignity through the trial,—reflection being cast upon the source whence he derived consecration, though it was not in terms repudiated. One cannot but think that it would have been more candid and noble for his official brethren to have come to some frank understanding with him, instead of leaving him to draw inferences from slights. Whenever the question arose of uniting with him as one of the three for consecrating on this soil an American bishop, White, with mild but firm evasiveness, and Provoost, with personal aversion and official hauteur, declined to do so.<sup>1</sup> Meanwhile the Connecticut clergy, grieved,

<sup>1</sup> Bishop W. S. Perry of Iowa, the laborious, and probably in the view of some of his communion the disagreeably candid, historian of the Colonial Church, has put into print a pamphlet containing such a severe judgment of the first Bishop of New York as leaves his readers to infer that Provoost's "consecration" did not reach to his character.

perhaps irritated, by such cold antipathy towards their bishop, entered upon measures for sending a second clergyman for consecration by the Scotch bishops, whose political disabilities were soon after this time removed by the death of the last "Pretender." It was not till after Dr. Madison returned home from his consecration at Lambeth, as the third in the English line, in 1790, that Dr. Seabury was admitted, then a supernumerary fourth bishop, to act officially with his brethren. Then, and not till then and thenceforward, could it be said that the American Episcopate derived from the Scotch-English. Among the whole House of Bishops of his contemporaries and successors, there does not appear to have been one more thoroughly earnest, faithful, or consistent in his private life and professional work than Dr. Seabury. He was doubtless lordly, possibly tenacious and assuming in his dignity. His fine portrait in contrast with that of Bishop White is suggestive. He would have made an excellent and seemly English prelate. His scholarship and his writings within his professional range were of a high order. The Congregational clergymen around him, of the old "establishment" in Connecticut, teased him at times by reminding him that they too were Scriptural bishops. To emphasize his distinction he on great occasions wore a mitre, leaving them at best only their wigs.

So far we have treated this interesting subject only in one point of view, as presenting the course of measures for organizing Episcopacy in these States according to the conscientious views of its disciples, and tracing their earnest and difficult work through many trying and threatening obstacles to a perfectly rewarding success. But there is another point of view of the subject, one profoundly serious and suggestive, in which, with candor and kindness of spirit, without engaging any of the bitterness of bygone, odious contention, those who stand outside of the Episcopal fold may be allowed to regard it. This point of view is indicated by the appeal made by the clergymen who sent Dr. Seabury abroad for consecration, "that the Church of God might not become extinct here"! A strange peril to threaten an institution of which it is written that "the gates of Hell shall not prevail against it"! The appeal proceeds upon the assumption that a personal, official commission of at least three men holding an especial clerical prerogative, conveyed by the laying of their hands on other men, is of prime and indispensable necessity to keep alive the Church of God on a continent where, for more than an hundred years, thousands of congregations under thousands of Christian teachers had faithfully planted and ministered to that church. These pages are not the place for spreading out either side of that long-fought controversy. Only in the one point of fresh interest which is opened in it by this memoir of Bishop Seabury may it be referred to here.



Near at hand, where these pages are written, is a series of bound or single pamphlets, yellow with the tinge of a century and a half, answering to a pile of military shells harmless now, though some may still be charged. The campaign in which these pamphlets served was dated in 1722. Great was the consternation when, on the day following Commencement in that year at Yale College, — a college founded to withstand the first liberalizing tendencies of Harvard, — in presence of assembled dignitaries in Church and State, seven gentlemen, including the rector and a tutor of the college, with five Congregational ministers, avowed their conviction or misgiving that their ordination was "invalid;" that consequently they had no right to exercise clerical functions and administer the sacraments. They were honored and good men, faithful and irreproachable. It appeared afterward that they had been reading certain "books" in the Yale Library, and had been for some time in close converse with each other. The sum of their scruples was that no Christian attainments in the graces and virtues of character, no fitness or zeal for the work of the ministry after studies and discipline for it, accompanied by a call for their services from a Christian church and congregation, and the sympathy, approbation, and Godspeed of their clerical elders, could qualify them for such office. They still needed a secret sanction and a symbolic authority, to be secured only by crossing the ocean and asking them of a minister of a peculiar class, of which there was not a single member on this continent. The word *consternation* is but a mild one to apply to the startling and painful, and then the embittered excitement which followed in Connecticut. Here in New England alone, for more than three generations, there had been a line of wise, good, saintly, and devoted divines and teachers, who had trained wilderness communities of men and women and children in piety and virtue, and whose whole office, character, attainments, and life had been identified with the Christian ministry. The first of them had been ordained in the English Church; and, after scrutiny of character and testing of fitness, they had perpetuated a succession of teachers like themselves. They had recognized that, according to the nature and necessity of the case, there must be an "Apostolic succession" in the generations of the ministry. They believed this was secured by heeding the counsel which the chief of the apostles gave to his neophyte — "the things that thou hast heard of me among many witnesses, the same commit thou to faithful men who shall be able to teach others also" — and by the act of designating a candidate "by the laying on of the hands of the presbytery." But the conscientious scruples of the seven brethren in the Yale Library led them to challenge the validity of all Christian institutions in New England. And here finally was a whole continent put in peril of "the extinction of the Church of God." As the

consequent discussion and dissension through argument and heated feeling went on, the result was yet another and a local opening of the whole controverted ground between Puritanism and Ecclesiasticism. The Independents or Congregationalists planted themselves exclusively on Scriptural precedent and authority. They refused to be led outside of and beyond the written directions and examples of the apostles, or to commit themselves to traditions or the Fathers, or to what was called “primitive custom or usage.” They dreaded and mistrusted all that lay in that region as a bog or marsh, where a spot of possibly solid foothold was surrounded by treacherous traps which would betray them to “Popery.” Their Episcopal challengers courteously and ably urged the familiar plea of their church, that before “Popery” had devised its inventions, corruptions, and aggressions there had been an interval of time following the close of the Scripture canon — an interval of one, two, or three centuries — through which was traceable what was also only intimated in the Scriptures, a system of order and discipline more fully indicated, that might be called “primitive and apostolic.” In that system a ministry of three orders was clearly recognized, bishops succeeding to full apostolical authority, with sole power to ordain priests and deacons, and to confirm believers. This system, they argued, received divine warrant from the Head of the Church, and only through its medium were the sacraments valid and effective. In the continuous and complicated debates and controversies through which ever after the Reformation Puritanism and the Episcopal system had been contending, the former found its main vantage ground in restricting its field to the Scriptures, and in assigning all ecclesiasticism outside of them to essential popery. And the Puritans might quote seemingly fatal concessions on the other side, — as, for instance, a statute of Henry VIII., the head of the English Church, that his bishops, instead of standing by “divine right,” “had their episcopal authority and all other ecclesiastical jurisdiction whatsoever solely and only by and from the king ;” and also the frank avowal of his belief by Archbishop Cranmer, the organizer of the church, that in primitive times there was no distinction between bishops and presbyters. But quotations about these matters only proved how continuous and unsettled the contention had been.

The sole point that engages us here is, that the vitality and all the effective benedictive agency of the Christian religion on character, conduct, and human life, and the institutions of a continent, are made dependent upon a subtile and unique virtue running through an unbroken line of men, like electricity on a continuous wire, conveying authority from one to another by a touch. This subtile virtue is to be believed in, assented to, and entrusted with its mighty potency, though it cannot attest itself by any visible operative quality. Not to



test things spiritual by things physical, but only to illustrate as by a parable, we know how we have been favored on this continent by importation from abroad of grasses, cereals, fruits, and domestic animals, which by seeding, grafting, and impregnation have enriched the flavor, the fertility, and the whole substantial value of our native stock. Thus we have visible evidence of the subtile virtues of foreign products when imported here. Of course this always implies some superiority in the foreign stock. But it is not so with the communication by touch of priestly prerogative. If there is one transcendent lesson in the Christian religion of unchallengeable authority, it is this: That nothing is of prime importance for belief or edification which cannot show its direct operation in character, conduct, and life. Now the exigencies of argument and experience have certified the allowance that the communicable priestly function is independent of the moral and religious character of those who have it to impart. If on long experimental trial it had proved that there was a special operative virtue going exclusively through that channel of a privileged touch, which made utterance, service, influence, example, and character more powerful, pure, and effective, the demonstration would be triumphant. But it is hard to believe that the divinest of all gifts to man should be discharged of all evidential manifestation of its holy potency. And to those not trained or indoctrinated to this theory, there seems to be an attempt at combining incongruous elements, like essaying an amalgam of iron and straw, in thus committing the whole perpetuity and efficiency of so practical a religion as is Christianity to the chances and risks of the transmission of an occult official quality in a particular succession of men. Shrewd, sagacious Dr. Franklin, though kindly and wisely using all his influence to promote the purposes of those seeking an American Episcopate, put the whole matter in a common-sense way when he expressed his wonder, "that men in America, qualified by their learning and piety to pray for and instruct their neighbors, should not be permitted to do it till they had made a voyage of six thousand miles out and home, to ask leave of a cross old gentleman at Canterbury." But those who feared that "the Church of Christ might become extinct here," had also to appeal to the king of England "by his princely disposition and his paternal goodness."

Another suggestive illustration offers itself. Jesus Christ and his chief apostle both assert distinctively and positively the sanctity of civil government in its own sphere, through the magistracy, as of divine authority and order. Now if there was danger that the Christian religion should become extinct here after the Revolution, without a subtile gift for transmitting it derived from abroad, what shall we say of that sacred function of government, "ordained of

God"? Nothing can be more certain than that the moment Great Britain left us to ourselves, according to the English theory of government, all rightful authority here was prostrated. Such government as we had, starting from rebellion, was not lawful. We were virtually in a state of anarchy. Englishmen who thought themselves prophetically wise were looking to see us fall into utter ruin, as was the excellent refugee parson Boucher, in his comfortable vicarage. Why should not some great and good men have been sent from here to obtain from some "anointed" constitutional monarch or senate the sacred touch or warrant for perpetuating the functions of government in these States? Even a petty continental prince might have been induced in the last resort to impart it. Had Washington, Franklin, Hamilton, Jay, and Marshall been commissioned for that purpose, the men, if not the errand, would have invested the mission with dignity. Our constitutional government might then for all time have boasted that, though like that of England in the Great Rebellion it had been temporarily wrecked, it had been recovered again by some such ceremonial as that of the coronation at Westminster of Charles II., with prayers, jubilations, and anointing oil, the graphic account of which Masson, in his "Life of Milton," closes in this terrible strain: "A venerable archbishop and a bevy of good and learned bishops had done their blasphemous uttermost; and is it God or Mephistopheles that governs the world?"<sup>1</sup> The fundamental principles, the sanctions, and all the methods and securities of civil government were believed to be within reach and use here, with competent and faithful men to administer it, and a grateful and willing people to accept it. What was there lacking on this continent for perpetuating "the Church of God"?

It is a perfectly supposable case, that candidates sent from this country might have failed to obtain consecration as bishops either in England or Scotland. Waiving the fact that, in view of the apprehended difficulties in the way of securing the succession when it was first proposed immediately after the peace, there proved to be some Episcopalians who, not thinking such a succession absolutely indispensable, had devised a scheme for organizing the American church without it,—there were other difficulties which might have proved insurmountable. There was much embittered alienation of feeling still existing between the two countries. The radical difference between the constitution of the English Church and its counterpart to be established in these States; the civil and political entanglements of the English prelates; the oaths of allegiance and supremacy required of ecclesiastics; the possible opposition of Congress or the State governments to any affiliation between its citizens and a foreign hie-

<sup>1</sup> Vol. VI., p. 158.



rarchy; the recusancy of cabinet ministers and the Parliament, or even the withholding of the king's sign manual, — either or all of these contingencies might have precluded the success of an application for the succession. The alterations made here in the Prayer-book might at an early stage have estopped all further proceedings. If, in the peculiarly critical and sensitive state of feeling at the time, the application had been refused, it would probably not have been renewed. All these embarrassments and obstacles were happily met and overcome by consummate wisdom, judicious tactics, and considerate sentiments on both sides. Still, had it proved otherwise, it is startling to think that the "Church of God would have become extinct in these States."

Another equally supposable contingency might have thwarted the purpose of obtaining the Episcopal succession from England. The Church in England might not have itself possessed the gift which it was asked to impart, and sixty years before the defection in Yale College it could not have granted it. At the restoration of Charles II. there were but nine surviving bishops of the Church of England. Had Oliver Cromwell lived to a good old age, or had his son Richard succeeded to his marvellous powers, bishops might have had no representatives in England; and the Episcopalians of those days would have had to contemplate the same dread risk for the mother country which was apprehended afterward by some in her colonies, — "that the Church of God might become extinct."

But the peril was averted there and here. Some of us will think there was more than one way of escaping it. But American Episcopalians were gratified by the full success of their measures. Their church has been organized here after what they regard as the only divine, the only valid, order. It has an admirable constitution; is officered and administered by faithful men; has steadily extended, strengthened, and deepened its hold; has a fellowship and membership of exemplary and consistent disciples; has undertaken and done humane and consecrated works, and its ministers and members are now heartily welcomed to the full communion of the mother church. Like other denominations, with which it has a fair equality, it has had its dissensions and infelicities of experience. Five of its bishops, by various lapses, have caused it shame and discomfiture, and only brotherly regards and mild forbearance harmonize its councils. But it has organic and administrative elements and agencies which abundantly offset its lack of civil support. The Episcopal Church has a splendid opportunity for extension, prosperity, and fond and true discipleship in the United States. Its advantages and prospects far exceed those of any other of the Protestant sects. Its organization approximates in some respects to the mighty effectiveness of that of the

Church of Rome. It is liberal in its comprehensiveness, including amicably all the opinions that are to be found outside of it. Its laity, held only to the apostles' creed, find its terms of communion easy. And even its clergy, in accepting the thirty-eight articles, regard all that is in them more than is in the apostles' creed as matter of opinion, not of faith. Certainly a full and fair trial of extemporaneous, as distinct from formal, services has been given in American assemblies for worship. Approval and preference have steadily sided with the formal system, — worshippers wishing to be sharers in the devotions, rather than listeners to the private exercises of the minister in his varying moods, his often random, stammering, and hortatory utterances, his complimentary or dictatory addresses to the Deity, and his not infrequent irreverence. Multitudes there are of men and women in our most intelligent communities who, thoroughly released from all that can be called orthodoxy or ecclesiasticism, seek the services of the Episcopal Church as a refuge from distasteful exercises elsewhere, and for the sake of the devotional training of their children. While they close their ears against a few sentences in the "litany" which shock them, they all the more tenderly appreciate the sweetness, fullness, and devoutness of that exquisite and unsurpassed strain of holy supplication. The influence of the church system, too, has been happily felt in partially arresting and offsetting the decline of the religious sentiment consequent on the relaxing of our grim and austere Puritanism. As religion has largely lost here the hold which it once had upon deep and strong convictions, it is to be commended anew to us through delicate and refining offices, emblems, and symbols of truth and beauty, and festivals of sacred significance. True, one may see too obtrusively the hand and thrift of shopkeepers of "holiday goods," of modistes in their "openings," and of florists in their rich garlands. Yet "the Church" will be all the more held to put foremost the consecration of what it regards as the tokens of its revival. May we be allowed to suggest, however, that the modern "St. Valentine's Day" be put under its discipline?

Possibly limitations to the rapid extension or increase of the Episcopal communion may also be found in its distinctive characteristics. The preference of form and ritual in service is wholly a matter of taste and temperament in religious persons, as much as are many other matters in which preferences, likes and dislikes, show themselves without reaching to conscience. To very many they are mechanical and unwelcome. Then there is a dubiousness investing the claims and offices of Episcopal clergymen, as to whether they are priests with mediatorial functions, or ministers, pastors, religious teachers. In England "the serious sects" have always regarded the Establishment as "a worldly church," more intent upon externals than internals, upon the etiquette and dignity of ceremonial than



upon the promotion, as the phrase is, of "vital piety." So from its reconstruction at the Reformation the English Church, with all its political appliances and wealth of endowment, has but divided the realm with Dissent. The common people especially have loved to choose their own religious teachers, as coming nearer to them in intimacy and confidence. The humblest curate, from his relations with the squire, and the connection which led him up to a hierarchy and the government, was lifted from their free equality. So it would seem that while Jeremy Taylor's "Holy Living and Dying" has been almost the single devotional manual furnished by the Church for wide popularity, the "piety" of the English people has been largely nurtured by dissenters, such as Howe, Baxter, Bunyan, Watts, Doddridge, and many others. Intimations are dropped in the conventions of the Episcopal Church in this country, by some of the members zealous for its true fidelity, that similar reflections have been cast upon the daughter of the mother church. Not long since our eyes fell upon a roguish sentence in a newspaper, probably a "Western" one, to this effect: "Episcopalians and —— [we omit from modesty the other name] all expect to go to heaven, and to have the parlors when they get there."

Reading, as we do with interest, several "Church" journals, we observe in them from time to time tokens of a pert and supercilious conceit and arrogance, for which we are far from holding the whole honored and excellent membership accountable, but which it may be worth their while to chasten. Prominent among these offences is a tone of assuming that the whole cause and right, as between them and other Christian bodies, is on their side; that they are to have "the whole say," and that any one who challenges their positions makes "an attack upon the Church." Here is the conceit of appropriating that august term "the Church" exclusively to their own limited communion. Then there is the fond and beguiling use of certain pet terms for their ways, as "primitive," "catholic," "apostolic," which it would be very difficult to define and certify to the intent for which they are used. There is an elephantine pressure when such claims are dropped by the Roman communion, with its world-wide episcopate, obedience, and missions; but they seem like childish pattings in the imitated use of them. There are many things called "apostolical," of which there is no reason for believing that the apostles knew anything about them. Certain it is that if one of the apostles should re-appear, he would need the drill of a seminary before he could serve in a Roman or Anglican chancel. Would he not feel most at home in a Congregational meeting-house? Imagine his perplexity in choosing a title among those borne by his "successors," — His Holiness, His Eminence, His Grace, Most Reverend, Right Reverend, etc.

GEORGE E. ELLIS.

## FRANCIS LIEBER.

THE writings of Francis Lieber, jurist, have recently been collected in six volumes, which contain some three thousand octavo pages. They comprise his three great works,—“Political Ethics,” “Civil Liberty,” and “Political Hermeneutics,”—and two volumes of Miscellaneous Writings, one of which contains his personal reminiscences and academic discourses, the other his contributions to public law and political science. His innumerable communications to the newspapers have not been brought together, though many of them are racy and worth preserving; and his correspondence, which was voluminous and weighty, still remains in the hands of his widow as the material for a biography.

These publications afford an occasion for studying the life and character of a very remarkable man. Not only the papers now reprinted but many others, including some manuscripts, have come under the eye of the writer of this article, who devoted the leisure of two summer vacations to preparing for the press the last two volumes of the series. He has consequently had a good opportunity to become familiar with Lieber's method of work and habits of thought, as well as with the sequence of great themes to which he directed his attention, and may therefore fairly hope to be able to reproduce the impressions thus formed, and to interest some of a younger generation of American students in writings which have exerted a powerful influence upon thoughtful men in this and other countries, and which in their new form are still vigorous and suggestive.

By way of beginning, a brief review of Lieber's life seems called for; but there is no reason to present more than an outline of it, as in one of the volumes just published may be found a very vivid portrait,—delineated by Judge Thayer,—so accurate and spirited that it leaves nothing to be desired except a complete biography.

Francis Lieber arrived in this country in 1827, bearing the title of a Doctor of Philosophy from the University of Jena, and a still more valuable diploma in the form of an introduction from Niebuhr, the historian of Rome. The stranger, then twenty-seven years old, had many claims to consideration. He was highly educated, and endowed with a fine intellect and noble aspirations. He was of athletic figure, and possessed of that undefined quality which goes by the name of personal magnetism. His head was Napoleonic. He had met with extraordinary adventures,—having been wounded in the Waterloo campaign while he was serving as a volunteer in the Prussian army, having been subsequently imprisoned in Germany for his advocacy of



civil liberty, and a little later engaged with a few compatriots in an endeavor to assist the Greeks in their attempt to gain independence. On his return from this romantic episode, he had been the companion of Niebuhr in his walks about Rome, and the teacher of his son Marcus. Those who have access to Niebuhr's letters to Madame Hensler will find several pointed references to this intimacy.

It happens that Niebuhr's commendation has been preserved ; it is perhaps worth reproducing here. It was written to be used in London, and may be read in connection with a passage in the *Miscellaneous Writings* (i. 67).

" Mr. Francis Lieber, from Berlin, has lived about a year in my house, and is so intimately known to me that I am enabled, with perfect safety and conviction, to pronounce an opinion upon his ability and acquirements, as well as upon his moral qualities. Nature has endowed him with conspicuous talents and eminent capacity to sound and penetrate whatever his attention is directed to.

His studies, during some period of his life, were suspended from the effects of most untoward circumstances, and a persecution drawn upon him by political party spirit. I know that since our separation he has resumed them with ardor, and would have attained ere now a literary character in our country if he had not been a prey to renewed vexations. The 'Account of his Journey to Greece' is not less well written than soundly thought; and from his subsequent correspondence I have acquired the pleasing certainty that he is constantly gaining in every point that constitutes a good writer. He possesses our language in a wide extent. As a man he is dear to me, and I take the liveliest interest in his welfare ; yet the desire to be useful to him has not altered a single word in this declaration from absolute and naked truth.

After hoping in vain to find a congenial position in the University of London, Lieber came to this country ; and here, with occasional visits to Europe and one to the West Indies, he continued to dwell until his death in 1872. Before 1835 he spent much of his time in Boston, New York, and Philadelphia, engaged in various literary and educational undertakings, — among the more important of which were the publication of the *Encyclopædia Americana*, the translation of Beaumont and Tocqueville's report on American prisons, and the preparation of an elaborate plan for the organization of Girard College. At last, having been a rover till he was thirty-five years old, he found a home and a professor's chair in South Carolina College, at Columbia ; and in the calm repose of this academic retreat he wrote the works on which his fame depends. Here he resided for more than twenty years. In 1857, a few years before the beginning of the civil war, he removed to New York and entered into the service of Columbia College. His studies were now directed toward the grave questions which were in dispute upon the battle-field and in the senate, first in this country and then in Germany. In a list which is printed of his writings it appears that there was hardly a year from

1822 to 1872 when he did not give some book or elaborate paper to the press.

From the summary which has now been given, it is obvious that his youth had two marked periods, — the European and the American, adventure and venture, — when by study, travel, observation, and experience he was preparing for his true career ; and that his later life had also its two phases, — the former in a rural college at the South, the other amid the distractions of the great metropolis. This makes four epochs, — youth and enthusiasm ; manhood and difficulty ; maturity and labor ; age and power.

Dr. Lieber belongs to the group of political writers whose activity was manifested in a period of *Sturm und Drang*. Let us see where he stood among them. He was younger than Horace Binney, one of his most intimate correspondents, by twenty years ; he was born in the same year with George Bancroft ; he was a year older than President Woolsey, and more than ten years the senior of Charles Sumner. In his youth he was the correspondent of James Kent, Joseph Story, and Edward Livingston, the youngest of whom was twenty years his senior ; in his later years he was the confidential friend of E. M. Stanton and H. W. Halleck, fourteen and sixteen years his juniors. For a long time Bluntschli in Heidelberg, Laboulaye in Paris, and Lieber in New York formed what was called "a scientific cloverleaf." They were constantly interchanging their views, and endeavoring to influence the more thoughtful writers on political affairs in Germany, France, and America. In this triumvirate he was by several years the senior. It does not appear that he had any intimate correspondent among English statesmen, which is remarkable when we recall his love of English institutions. But in the three great nations which have been mentioned, during a period when the principles of government were in question, and when the right conception of a free State was to be worked out and fought out, Lieber's utterances were studied by men whose studies made events.

Dr. Lieber was wanting in the elements of popularity, was often cumbrous and sometimes obscure in his modes of expression ; but he was weighty. His shots were heavy, and were driven with force, — sometimes disproportionate to the obstacles to be attacked, but pointed toward a mark. His peculiarities of style were partly due to the fact that he was a German writing in English, but more to the solid qualities of his intellect, which were always manifested, so to speak, in massive movements.<sup>1</sup> He was also inclined to repeat his blows, like

<sup>1</sup> Prescott said to Lieber in 1838 : "Although an occasional departure from the English idiom may be detected, your style is a wonderful achievement for a foreigner. I recollect no foreigner, unless Motteux, in his translation of Don Quixote, who has handled the English language more skilfully."



the strokes upon an anvil, — so that some of his latest and best utterances lacked freshness. Yet with all this continuity of interest in the subjects which had once engaged his attention, he suffered some of the most important of his writings to be out of print for many years, — lacking time to re-cast their form to correspond with his own advancing knowledge. For all these reasons his readers were not so numerous as his merits deserved ; but they were strong men, nearly all of whom would be ranked as his admirers, and many of whom would proudly call themselves his scholars.

He did not owe his influence to any external good fortune. The studies of his youth were interrupted, and he became an exile. For a long period after he came to this country his means were not large, and he held no official station. For twenty years he resided far away from great cities and libraries. He did not enter upon what is called public life. I doubt whether he was ever a candidate for a political office, except in one instance when he was chosen a school officer in New York. His power was therefore personal and not official. It was the force of a great mind directed to the fundamental principles of jurisprudence and social science. The extent of that influence may be inferred from much which is said by Judge Thayer, of Philadelphia, in his spirited and discriminating memoir, and by Professor Bluntschli, of Heidelberg, in his more critical estimate of Dr. Lieber ; but it can never be fully understood until the letters, already referred to, shall see the light, or until some friendly hand like Dr. Allibone's shall completely trace out in the political reviews and treatises of the last thirty or forty years the references to his work. The glimpses which are given of Lieber in the memoirs of Niebuhr, Bunsen, Story, Sumner, and the references to him in the works of Mittermaier, Bluntschli, Von Mohl, Kent, Creasy, Thomas Arnold, and many others, are numerous and vivid.

Dr. Lieber was born a free man. He rejoiced in the Teutonic love of liberty which he inherited, and he found its best phases in Anglican and American institutions. He was a typical German-American, — heartily believing in the opportunities and prospects of this nation, yet knowing perfectly well that the United States had much to learn from the experience of other countries and of other days. He was evidently desirous to be an interpreter of German thought to Americans, and of American politics to Europeans. It was his love of civil liberty which impelled him to join in the Prussian uprising against Napoleon, caused him again to take up arms in behalf of Greece, and led to his arrest because he was suspected of hostility to the monarchy in Prussia. In this country he was pronounced in the defence of the Union and in his desire for the removal of Slavery ; but he was not affiliated with the Abolitionists. His writings were

conservative and philosophical rather than irritating and agitating. An indication of his state of mind may perhaps be found in the fact that his correspondence with Sumner, which was very intimate prior to 1851, was interrupted for many years during the period of the Kansas and Free Soil excitements, and was not resumed until the war began, when it became more frequent than ever. Yet he never faltered in his advocacy of freedom. There is hardly an essay of his which does not breathe the spirit of liberty, — not the emancipation of society from law, but the preservation of society by law and by institutions. The motto on his portal — *patria cara, libertas carior, veritas carissima* — was the motto of his life. He was an apostle of this doctrine. He honored those who had suffered for the progress of their race and kindred; he hated those, like the two Napoleons, whom he regarded as despots and oppressors. He advocated the maintenance of institutional liberty, believing it to be more enduring than any written charter. He was ready to offer himself for a good cause whenever there was occasion. Even when at three-score years and ten he heard of the second German up-rising, he chafed like a youth to join the volunteers. "And I sit here," he said, "and write like a dullard. It is very hard."

If we now pass rapidly before us the array of his more important publications, we shall see that the key to his writings is in this love of freedom, this desire that every human being shall be allowed to work out his destiny, responsible only to his own conscience and his Maker, and fettered only by those conditions which are essential to the existence of society.

The volume on "Legal and Political Hermeneutics" was the first of his three great works which saw the light. It appeared in 1837-38, in the "American Jurist," and was published as a duodecimo volume immediately afterward. It was revised by the author in 1860, but not reprinted until 1880, when it was published in St. Louis, with an appendix of one hundred pages by the editor, Prof. W. G. Hammond. For forty years the work was out of print, so that its recent appearance gives it the freshness of a new book. It is brim-full of good sense and good humor. Its title is not felicitous. The non-professional reader is liable to be misled by it into the supposition that only a lawyer or a student of politics will be interested and benefited by the perusal. On the contrary, it may be commended to every intelligent person as a sensible and entertaining treatise on the use of exact language in the affairs of life. It abounds in pithy sayings and pointed anecdotes culled from a wide range of historical reading. It exhibits the principles which are involved first in the "interpretation" of oral and written sayings, and next in the "construction" of documents; that is to say in the determination of their meaning by a study of all the circum-



stances of origin and purpose. With a fondness for codification perpetually apparent in his writings, Dr. Lieber sums up in numbered articles the conclusions which he reaches. They are applicable not only to enactments and charters, but to the explanation of all formal utterances. Theologians and others, whose business it is to interpret the Scriptures and the creeds, would be relieved of much embarrassment if they would consent to be governed and to have their hearers governed by these rules of common-sense. The layman, particularly one who is called to the administration of a trust, or the interpretation of a will, or the conduct of an institution, will find Dr. Lieber an excellent guide. "The letter killeth, but the spirit maketh alive" is the beginning and end of his instructions.

In the application of his principles it becomes apparent that he is not a lawyer, and Professor Hammond intimates that in one instance at least a lawyer's training would have led the author to a different statement; but this very fact makes the book more readable and less technical to the ordinary student of history and ancient writings. Besides what properly pertains to hermeneutics, Dr. Lieber, in his affluence of thought, discusses many themes which are incidental to his subject. Among them he speaks of the ownership of manuscripts and the inviolability of letters. Professor Hammond's additions to the volume are of great value, and the bibliographical summary of works pertaining to hermeneutics introduces the student to a fascinating field of research.

The "Civil Liberty" is the third of Lieber's treatises which we owe to his Southern home. It was first published in 1853, and was enlarged and reprinted six years later. President Woolsey, to whose editorial care the third edition was intrusted, was one of the earliest to perceive the value of this work. He introduced it as a text-book in the senior class of Yale College as early as 1854 or 1855. Many hundreds of educated young men were in consequence made familiar with the sound political philosophy of Dr. Lieber, and some of them in turn have introduced this volume to their pupils elsewhere.

In the latest edition of the "Civil Liberty" Dr. Woolsey has given a careful estimate of the author and of his work. He regards Dr. Lieber as the founder of political science in this country; as more of an Englishman in his political judgments than a German, — more of a republican than anything else. He shows how many of the passages of the "Civil Liberty" were suggested by the events of 1848 and the rise of Napoleon III., which gave occasion for sharp contrasts between the Anglican and the Gallican ideas of liberty. Dr. Woolsey, as he wrote in 1874, believed that the tendency in this country was toward a more centralized government, by a freer interpretation of the United States Constitution. This danger and others are

met, as he thinks, by Lieber's "Civil Liberty," which teaches that "there is no safe liberty but one under checks and guarantees ; one which is articulated ; one which by local self-government educates the whole people and moderates the force of administrations ; one which sets up the check of State power within certain well-defined limits against United States power ; one which draws a broad line between the unorganized masses of men calling themselves the people and the people formed into bodies, joined together and compacted by constitutions and institutions." We cannot ask a better summary of the "Civil Liberty" than this.

The "Manual of Political Ethics" was published in 1838. Dr. Lieber was aided by George S. Hillard in carrying it through the press, and by Charles Sumner in securing its publication in this country and subsequently in England. A second edition was issued in 1847 ; and in 1875, two years after the author's death, it was printed again, with notes by Dr. Woolsey. From a letter which may be found in the memoirs of Judge Story, it appears that the chapters on the State were submitted to him in manuscript. He pronounced it to be by far the fullest and most correct development which he had ever seen "of the true theory of what constitutes the State." He says to Dr. Lieber : "You have put the State upon its true foundation : a society for the establishment and administration of general justice, — justice to all, equal and fixed, — recognizing individual rights and not imparting them." Story also says that the work constitutes one of the best theoretical treatises on the nature of government which has been produced in modern times ; containing much for instruction, much for admonition, and much for deep meditation ; addressing itself to the wise and virtuous of all countries. Chancellor Kent was also strong in its praise.

It is perhaps worth while to add, for the encouragement of young writers, that this work, so highly esteemed by two great jurists, was offered in Great Britain to three publishers successively, — Colburn, Clark, and Maxwell, — all of whom declined it ; and it was finally accepted by William Smith. Sumner dissuaded Lieber from publishing the book by subscription. "If these times," he said, "will not accept it, posterity will, which is an infinity."

For an entire generation this volume was suffered to remain out of print, notwithstanding frequent calls for copies. It is more elaborate in its plan than the other two works of the author, and less adapted to general circulation. In reading it we miss the references to the stirring events which followed 1850, and which would surely have been abundant if the author had rewritten his work at the close of the civil war. It remains, nevertheless, a manual for statesmen. There is no other work with which to compare it. From a profound



disquisition on the theory of the State, it proceeds to discuss the duties of a citizen. It enunciates in a great variety of phrases one great principle, — namely, that “the condition of right is obligation,” “the greater the liberty the more the duty,” *ubi societas ibi jus*; we are bound to ascertain “our ethic relations in politics.” Justice, fortitude, honesty, friendship, gratitude, moderation, patriotism, loyalty are then successively discussed. If our land could only see a school of statesmen trained in these cardinal virtues, there would be but little occasion to agitate for civil-service reform, for appointments to office would be spontaneously made on good principles. As it is, these volumes may be commended to all young men who propose “to go into politics.” They will learn very little about “the machine;” they will get no hints on the control of “primary meetings;” “the State” is not once mentioned: but they will see how statesmen and patriots may be trained, — men whose names will be honored and revered by future generations, while those who “run the machine” and make up “the slate” will be utterly forgotten, or remembered only to be named in contempt.

Lieber’s “Miscellaneous Writings,” now first collected, exhibit the same qualities as his more stately writings, but are on a greater variety of themes. He printed verses, and he was always fond of writing sketches and essays. These were sometimes elaborate, and sometimes off-hand. Historical and philological subjects were favorites with him; and he was particularly interested in the lives of great men. This appears in numerous biographical allusions, but is still more obvious in his recollections of Niebuhr, his eulogies of Humboldt, his comparison of Washington and Napoleon, his memorial of Hampden and Pym. In the metaphysics and theology of the schools he shows scarcely any interest, and not much more in the investigations of natural science. Above all other subjects he cared for humanity. He studied the relations of man to man in the State; he inquired into the origin and growth of nations; he watched the influence of constitutions and institutions upon the people who came within their influence; he commented on fundamental laws; he exhibited the right modes of interpreting statutes; he impressed upon his pupils the importance of historical and political studies to a free people; he upheld, by philosophical discussions and by personal criticisms, high standards of civil service and sound principles of legislation; he defended the true idea of a gentleman from the false notion which was in danger of acceptance. He had no organ for the publication of his views; he was never called to the bar or made a member of a legislative body; he had the disadvantage of dwelling in a land where he was not born, and of writing in a language not native to him. But all these obstacles amounted to nothing. I can

recall no sign that he ever thought of them as difficulties. He was working upon principles, — and no one knew better than he that the endurance of principles does not depend on the tongue, or the land, or the position of the writer by whom they are announced.

Among the minor writings of Lieber there are some which are conspicuous in their merits, not only when compared with others in the same volumes, but when compared with the writings of other men. First of all may be placed what he called "the old hundred," — a code of laws for the government of armies in the field, which was drawn up while our civil war was in progress, approved by a Board of officers, and officially promulgated as "General Order No. 100" for the direction of our army. This code made an epoch in the history of war. For a service like this the name of Lieber may be fitly associated with that of Grotius. It is easy to see how he had been unconsciously preparing himself for so great an achievement. That early experience of his on the field of Waterloo, that wound, that thirst, that fever, had made an indelible impression on his mind. Years afterward he wrote out his recollections of the campaign, and often referred to it in passing remarks. His life-long studies were largely devoted to international and public law, to the principles which should underlie political society. General Halleck's studies had taken the same direction; so it is not surprising that when called to the chief command he should turn to Dr. Lieber for counsel and aid. The required services were performed with alacrity. Lieber first prepared at General Halleck's request a paper on guerilla parties, considered with reference to the laws of war, and subsequently he applied to actual combatants the principles of equity and justice which had before been recognized in the law of nations. The work was done with masterly ability. A new bound was reached in Christian civilization, from which there will never be a retreat.

Bluntschli has fitly described the publication of this code as a deed of great moment in the history of man. He has also shown with an even-handed discrimination how skilfully Lieber embodies in these statutes the spirit of humanity, which does not forget that enemies are human beings with inalienable rights, and forefends them from injury, cruelty, and destruction; while at the same time he gives no place to tender-hearted sentimentality, because he knows that the greater the energy in war the sooner the peace. Bluntschli also acknowledges that by Lieber's work he was himself prompted to draw up first the law of war and then the law of nations in the form of a code, so as to express the consciousness of civilized peoples.

Next in order to the code may be placed "the Golden Tract," a fragment as Lieber called it, a germ as it might rather be named, on Nationalism and Internationalism. Judge Thayer regards this as the



most perfect of all the minor writings, and quotes an Italian publicist as giving it the designation *l'aureo opusculo*, "the Golden Tract."<sup>1</sup> The underlying thought in this essay is this, — that the city-state was the ancient type of free communities, the feudal system the normal mediæval type of government; and so "nationalism," which is carefully to be distinguished from "centralism," is the type of modern government. The bearing of this idea upon the preservation of the American Union, the establishment of the Kingdom of Italy and the re-establishment of the German empire is too obvious for comment. In unfolding it, the broad and generous nature of the author appears as he emphasizes three distinctive features of state-life in our times, — nationalism, the recognition of civil liberty, and international law.

To many readers the essay on the "Rise of the Constitution," although it is quite incomplete in form, is the most suggestive and important among the Miscellaneous Papers. One can easily see what the essay would have been if elaborated by the author. There is a melancholy interest attached to it, for it is the last upon which the pen of Lieber was engaged. It embodies many of the thoughts which he was accustomed to treat in his classes at the law school, and the aspect of the manuscript, as it now lies before the writer of this article, is rather that of a brief from which a professor was to speak, than an essay prepared for publication. After a review of colonial histories in ancient times, Dr. Lieber takes up the relations of the American colonies to Great Britain, and points out "the sub-national consciousness" which they exhibited so far back as the Albany Union of 1754. He does not fail to notice also the still earlier union of the four New England colonies. He continues his study through the period of the Declaration, the Confederacy, and the formation of the Constitution, and so through the discussions which were closed by the war. He mentions as the result of continued investigation his own belief that the pabulum on which Northern statesmen fed in the time of the formation of the Constitution was Algernon Sidney's "Discourses on Government," while in the South it was Montesquieu's "Spirit of Laws." The theory that government is founded on a compact he pronounces erroneous and unphilosophical, wrong and absurd; though it is not without a certain plausibility by which Jefferson and many others, not ill-instructed, were misled. "Never," he says, "was a government originally voted into existence by men met around a green table. . . . The family is the first society; the greater society called the State develops itself out of it."

A fundamental belief in national supremacy is apparent in all the writings of Lieber on the government of the United States. In 1851

<sup>1</sup> I cannot verify this allusion, but have reason to believe that the saying should not be attributed to Garelli. It is too good an epithet to be lost because its origin is not ascertained.

he wrote a paper on secession, to be read at a celebration in Greenville, S. C., in which he pointed out the dangers and the wrongs which were then impending; and ten years later, in January, 1861, he delivered two elaborate lectures on the question, "What is our Constitution,—league, pact, or government?" These lectures are the embodiment of profound studies, called out in a great emergency. They were dark days in which he spoke. "We have assembled," he says to the class, "evening after evening, when the news of grave events happening before us struck our ears like the boom of beginning battles. Often and often have they made it one of the severest tasks of your teacher to concentrate his mind on the topic on which he was to lecture, and when he appeared before you to restrain his heart from overflowing." Under these circumstances his words fairly burn with the eloquence of philosophic patriotism. "How much to be pitied," says Motley, "are those who cannot share in the enthusiasm with which you pronounce the opening phrase of the Constitution 'the most magnificent words in all history!'"

Constitutional questions were always of interest to Dr. Lieber. In addition to the lectures referred to as published in 1861, he suggested a few years later several amendments to the Constitution of the United States. He subsequently made the Constitution of New York a study, and urged some important changes in it, particularly with reference to the pardoning power and to penal law. He likewise expressed his views boldly as to certain proposals which he thought should not be adopted,—for example, the extension of suffrage to women. In an independent letter to a member of the New York Constitutional Convention he discusses the unanimity of juries, holding that in legislation, in politics, in all organizations "the unanimity principle savors of barbarism, or indicates at least a lack of development."

The interest of Dr. Lieber in international law, though manifested throughout his career, was quickened by events in the latter part of his life, and doubtless also by the formation of an *Institut de Droit International*, and the establishment of a journal devoted to the investigation of such questions. Several of his papers in this journal are given in the volumes before us. The absorption of Alsace, in his opinion, did not call for a plebiscite; he ridicules the term "Latin race" as unmeaning, mischievous, unscientific, and intended to mislead; he claims that the Alabama case and the sale of arms by the United States in the Franco-Prussian war should lead to signal and lasting improvements in the law of nations, and he enumerates six points (the germ of a code), which should be embodied in treaties between the leading powers. In earlier papers Dr. Lieber had given his views upon international copyright, and had recommended that



in international controversies great universities be appealed to as arbiters.

We have already indicated the interesting fact that Lieber's love of civil liberty, which warmed his life-long studies, glowed brightly in his youth, and that his adventures at Waterloo were the germ of his subsequent efforts to improve the usages of the battle-field. There was a third subject brought forcibly to his attention in early days, and to which his mind always recurred with interest, — the treatment of prisoners. He was himself twice imprisoned in youth for his political views, and more than once he refers to this experience as giving weight to his opinion on questions which pertain to penal law. "Until Mr. Schlake published his work," he says, "I was, so far as I know, the only writer on penology who spoke in favor of solitary confinement from personal experience." It was one of the curious revolutions of time that when he was invited to become a professor in the University of Berlin, the chair proposed was that of prison-discipline. The political offender and prisoner of one reign was chosen a professor and a prison inspector in another. There are many of his writings which bear upon this subject. Among the more important of them all may be named his translation, with notes, of the work of Beaumont and Tocqueville on American Prisons, and a defence of the Pennsylvania system of solitary confinement given in the *Encyclopædia Americana*. Neither of these was exactly suited for republication, because so many of the incidental statements are quite out of date; but the volumes before us contain parts of a letter to John Bacon, Esq., of Philadelphia, written in 1838 and revised some twenty years later. "Mild laws, firm judges, and calm punishments" are the doctrines of an essay which enumerates forty-one characteristics of sound punishment. These carefully-worded articles almost make a prison code. Certainly they embody principles which are too often forgotten by those who make and those who execute criminal laws.

Dr. Lieber's opinions upon Free Trade are embodied in a paper which was often reprinted during his lifetime, under the title, "Fallacies of American Protectionists." It discusses twenty-two current sayings on the subject of a tariff, and concludes with these words: "Exchange and production go constantly hand in hand, and all the wisdom and knowledge about markets and free trade, commerce, production, and increase of wealth may be put in the short and inexorable formula, *Product for Product*." It is hardly necessary to add that he was a pronounced free-trader.

The Miscellaneous Writings conclude with two educational essays. The former and more important is the introduction to a voluminous report drawn up for the trustees of Girard College, when that school for orphans was projected. Dr. Lieber urgently advocated the estab-

lishment of a polytechnic school of a high order, with which he thought a seminary for teachers might be combined. Only a small part of his report is now reprinted; but enough is given to indicate his perception of the needs of the country and of the possibilities which were then open to the munificent endowment of Girard. Although his views were not carried out in Philadelphia, Lieber lived to see them substantially adopted by the country in the "scientific schools" which now flourish in many parts of the land.

The closing essay of the volume discusses the necessity of religious instruction in colleges. In this he defends the theme that Christianity constitutes an indispensable element of liberal education, because the Christian religion is incomparably the mightiest of all facts in the annals of society. It is interwoven with all the institutions, which surround us, and in which we have our social being. It can no more be excluded than the common law, or our language. Edward Livingston, writing in 1834 from Paris, where he held the post of American minister, said to Lieber: "You have written three lines which ought forever to be impressed on the minds of all teachers, whether of science, politics, or religion. I know of no truth more happily expressed than that 'there is a religion under all the variety of sects, there is a patriotism under all the variety of parties, there is a love of knowledge and a true science under all the variety of theories.'"

We have scarcely referred to the most lively part of the Miscellaneous Writings,—those in which Lieber gives his own recollections. Many of these, including those of Waterloo, were embodied in an early volume printed anonymously under the title of the "Stranger in America." His "Conversations with Niebuhr" were published in London about four years after the historian's death. They are the notes of a youth who gathered with diligence and with discretion the familiar utterances of one whom he admired as a master, called out by scenes and events in Rome with which both the speaker and the listener were familiar.

Mention should also be made of the academic discourses which hardly belong to the class of orations or of essays, but rather to that of professorial lectures. It is of interest to note that when Lieber came to the college in New York he chose almost exactly the same theme as that which he had expounded in taking office in South Carolina. His Commencement speech at Miami University became a small volume, entitled "The Character of the Gentleman," which was reprinted, without the author's knowledge, in Edinburgh. The editor, an Oxford scholar, said of the writer that "if his actions bear the divine harmony of his thoughts, he is indeed a perfect and a Christ-like man." His lecture on Athenæums is an exposition and defence



of popular associations for promoting literary enjoyments. In a discourse before law students he portrays the ancient and the modern teacher of politics. Twice, though not strictly on academic occasions, he spoke in eulogy of Alexander von Humboldt.

This rapid review, we are well aware, is quite inadequate to bring out the full merit of Dr. Lieber's work. It is perhaps too early to pass a complete judgment upon his rank as a political philosopher. It is certainly difficult for any one to follow all the movements of his versatile and active intellect. But it is not too soon to say that he deserves to be placed—let us rather say that he placed himself—among the foremost of American patriots, among the wisest of American scholars, among the most useful of American citizens. If he had been more of a partisan and less of a philosopher he might have been more widely known, like Webster and Calhoun; if he had been called to the bar he might have won renown as an advocate, like Horace Binney or Rufus Choate, or as a judge, like Joseph Story; he might have been a power in the senate, like Sumner and Schurz. From all such modes of influence, however, he kept aloof. Though he frequently spoke in public he could not be called an orator, like Everett and Wendell Phillips. He controlled no leading journal, like Bryant or Greeley. He was no agitator like Garrison, no poet like Whittier, no soldier like Grant and Sherman. He chose the life of a scholar; he delved in ancient lore, he studied the growth and decay of states and nations, he worked out the principles of political progress, of national vigor, and of international justice; and it is not too much to claim that as a thinker he was the peer if not the superior of every one of those strong men whose names we have cited. This position is accorded to him by many writers. Dr. Woolsey, who is not prone to praise, declares that Lieber “influenced political thought more than any one of his contemporaries in the United States.” Hammond speaks of Lieber's remarkable “genius for politics,” which enabled him forty years ago “to foresee the most threatening dangers of the present day.” George Ticknor took the “Civil Liberty” with him to Marshfield for summer reading when on a visit to Webster, “for the genius of the place seemed in harmony with its teachings;” and Motley, when Minister in Austria, took several of the minor writings with him to Ischel on his summer holiday, scoring pages over and over again with his notes. Judge Thayer enumerates the encomiums of James Kent, who said that in reading Lieber he felt that there was “a sure pilot, however dangerous the navigation;” of Simon Greenleaf, who said Lieber always “leaps into the deepest water and comes up like a good swimmer;” of Rufus Choate, who said to him, “I consider very few of my cases prepared

without dipping into you ;” of George Bancroft, who said of one of Lieber’s works that it entitled the author to the honors of “a defender of liberty ;” of Edward Creasy, who claims that Lieber first pointed out the all-important principle of English and American liberty, that every officer remains individually responsible for whatever he does, no matter whether he acts under orders or not,—a principle unknown in other countries. Bluntschli says that Lieber represents both German and American nationalities, supplies for both their peculiar wants and defects of education, and enriches each with the peculiar wealth of the other. He also gives him the credit of proposing that the professional jurists of all nations should come together for consultation, and seek to establish a common understanding. Out of this grew the *Institut de Droit International*, the influence of which is not likely to be over estimated.

Though we are far from exhausting the array of tributes which might be quoted, we have given enough to show what an impression Lieber made upon his contemporaries. We will add but one word more, from Motley: “I constantly come upon passages expressing more strikingly than I have ever found elsewhere great, vital, momentous truths. . . . It is quite impossible for me to say how entirely I sympathize with everything I have read from your pen, and how much instruction I derive from your vigorous handling of the highest questions that can interest full-grown men.”

If we seek for the basis of Lieber’s reputation we must admit, undoubtedly, that he was born with uncommon intellectual powers. As a young man he was mature, and so as an old man he was young. Yet, as we have already intimated, his usefulness and his fame depended on the most patient industry, the most rigid concentration, and the irresistible power of hard work. Instead of folding his hands when he reached Columbia, S. C., and counting himself an exile ; instead of mourning his separation from books and companions in study and incitements to publication ; instead of becoming limited by the routine to which so many of the college professors of this country are restricted, — instead of whining or droning, he went to work. He could think as well in Columbia as he could in Berlin ; he could write with less interruptions. So his brain and his hand were busied in the preparation of treatise after treatise, which soon commanded respectful attention not only in the United States, but also in Germany, France, and England. He was made a corresponding member of the Institute of France, and invited to join the academic staff of the University of Berlin ; and in the great crisis of our national existence he was the intimate counsellor of those whose counsels swayed the army and the nation. As early as 1844 Judge Story desired that he should become a professor in Cambridge of the Law



of Nature and of Nations, of Political Ethics and the Institutes of the Roman Civil Law.

As a writer on political questions he is neither an adherent of the so-called philosophical nor of the so-called historical school which were in controversy in his youth. "The latter," says Bluntschli "charged the former with disregarding the safe and solid ground of historical facts and relations, and with pursuing dreamy ideals without ever being able to realize them. The philosophical school, on the other hand, blamed the historical for turning its thoughts entirely toward the past, for yielding slavish obedience to the powers of tradition. If the philosophical method was suspected of revolutionary tendencies, the historical method had the reputation of being reactionary. Lieber triumphed over these opposing tendencies."

Lieber sometimes defended the right of those who were not native Americans to take part in American affairs. There is a passage upon foreigners in the "Political Ethics;" but there is a more pointed letter, not given in any of the six volumes, to a South Carolina journal which appears to have been written in 1845, when "Naturism" was a party watch-word. He makes the following summary, which ought to be saved:—

"Has any native Spaniard done for Spain what Columbus the Genoese did? Who led the English to our North America but Cabot the Venetian? What British monarch was so English a king as William the Dutch? What native Netherlander was so wedded to his country as William of Orange, the German who first founded the great republic, and then cemented it firmer with his martyr's blood? What Swede has been more Swedish than Bernadotte the Frenchman? What Frenchman more French than Napoleon the Italian? What German so German as the great Eugene, the Savoy prince and native of France? What native Russian emperor as national and great as Catherine the Second, a German woman? What native Prussian served more faithfully the king of Prussia than Keith the Scot? Is Cuvier not a great French name, though he was by birth and education a German? So was Benjamin Constant a Swiss. No Englishman ever labored more faithfully for his country than Sir Samuel Romilly, in whose 'French veins there did not flow a drop of English blood.' It was the Portuguese Magellan who discovered the Pacific and the straits which bear his name, yet when he sailed he did not unfurl his native Cross and Globe, but the Castles and Lions of Spain. Was the blood which flowed from the veins of any home-born patriot more American than that which gushed from Montgomery's Irish breast, or DeKalb's German heart? Was Lafayette no American? Has Gallatin not redeemed his citizen pledge? Did Hamilton less service than any statesman or general born within the limits of this country? Who was Steuben? Was Emme not a stout burgher of New York?"

On his letter-paper and in his writings may frequently be seen the motto, *nullum jus sine officio, nullum officium sine jure*, sometimes in the Latin and sometimes in an English version,—

No Right without its Duties,  
No Duty without its Rights.

It was this recognition of the sacred obligation of duty which gave him a strong hold upon the conscience of his fellow-men. Expediency, policy, tactics, diplomacy were not his watch-words. "Rights and duties, duties and rights" echo in his utterances. In his inaugural at New York he says: "Right and Duty are twin brothers. They are like Castor and Pollux: when both are visible, a fair and pleasant course is expected; but one alone portends stormy mischief." Elsewhere he regrets that, for want of one word to express "the United States of America," no American admiral can ever signal such a message as "England expects every man to do his *duty*." Bluntschli attributes to Gneist the first recognition in Germany of "the obligatory character of civil right;" but to Lieber "the still earlier maintenance of duty, — moral and not legal obligation, — as a necessary factor in civil society." The basis of his ethical system is a belief in Christian life and doctrine. He is not a church-man in the ordinary sense of that word; not a theologian, nor a sectarian. He makes no display of religious feeling or of Biblical knowledge. It would be difficult to discover in his writings a preference for any religious denomination; but the reader is conscious, especially when great themes are under discussion, that a belief in God, duty, immortality, and responsibility underlies his intellectual and moral life, and that the supreme effort of his laborious brain was to think those thoughts and say those words which may foster peace on earth, good-will to man.

D. C. GILMAN.

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## THE LAST TRIAL OF RUSSIAN NIHILISTS.

### I.

"Heaven save us from beholding a Russian insurrection, senseless and merciless. Those who in our country would bring about all manner of violent revolutions are either very young men who do not know our people, or they are hardhearted men, who value their own necks at a groat and other people's at less." — *Poushkin*.  
(From a fragment of his novel, "*The Captain's Daughter*," lately discovered among his papers, and never before printed.)

THERE is in every criminal trial an irresistible attraction, which appeals not only to the vulgar curiosity of the sensation-loving masses, but to the more refined perceptions of the intellectual and cultured few. While the former are especially impressed by the imposing pageantry of the Law, made visible in its panoply of power and majestic ceremonial, and by the tremendous magnitude of the stake contended for, the latter derive a far keener and subtler interest from



the psychological studies for which such a judicial drama offers ample materials. George Sand has said somewhere: "*Le crime est une maladie.*" If then the normal human soul is naturally as alien from crime as the healthy human body is from disease, — and it is even more so, — surely the questions suggested to the reflective mind which beholds the monstrous growth when it has achieved its dire fruition are absorbing, entrancing in the extreme. How has the innocent child developed into the wretched being who now struggles in the grasp of the avenger, who waits bravely, sullenly, or abjectly the verdict which is to take his life or his liberty as an expiation due to his country and his fellow-men? By what dark and devious paths, through what unseen, untold phases of moral evolution, or by what accumulated pressure of outward influences, has he been led from the pleasant haunts of infancy to this fatal bench? How has the fair promise of every dawning life been distorted into so frightful a result? These and like questions arise in crowds, and stand before the thinker as so many appalling problems from which he would fain turn, shrinking from the conclusions which their conscientious solution often threatens to force upon him.

In the case of a State-trial which has to deal with crimes heinous in themselves, but committed by men whom we cannot compel ourselves to rank with the lost ones of the earth, the fascination is intensified a hundredfold. Murder has been done or attempted, — yet here sit the doers, calm in conscious righteousness, serenely ready for their doom, never regretting the act which has brought it on them. The law condemns them, and we sadly acquiesce, — for where the law of the land demands life for life, it is meet that the penalty should be paid. Yet in our hearts we not only pity but acquit them. We have a bewildering feeling of being at variance with the most solidly-grounded principles. Right is right no longer, and wrong ceases to be wrong, — at least unconditionally. Limits which when closely looked at are never very sharply defined become altogether blurred and misty before our moral vision, as the shifting outlines of dissolving views. Our reason and sympathies are divided, and we must even suffer them to go different ways. We are not indignant with the jury for their verdict, nor with the judge for the sentence which he passes; both are but impersonal agents, passive instruments as it were in the hand of a stern institution, — the one for settling a mere question of fact, the other for applying a provision which he finds in the written book of the law and has no discretion to alter or discuss. We know that this is justice; but it is earthly justice, — the justice of expediency and of self-defence. There is a higher justice implanted in each of us, a reflex from that heavenly judgment-seat where actions shall be judged by their motives, not by their aspects and results; and that higher justice rebels against the sentence, cancels the verdict. Political murderers

perform acts which endanger the community in which they live ; therefore they ought to be removed from it. But from time immemorial, and with one consent, their names and memories have been exempted from the stigma of ignominy which indelibly attaches to those of common criminals. The wide, the immeasurable distinction lies in the motives and objects of each. The idol to which the common criminal sacrifices is SELF, — personal passion, personal profit. What the conscientious political offender pursues is the common good, with a total giving up of self, an unconditional surrender of his own life and all that is dearer than life. That he has labored under a gigantic mistake, that he has immolated himself, and frequently other victims willing and unwilling, to a phantom of his own dreaming, takes no whit from the intrinsic meritoriousness of his sacrifice, but rather makes it the more pitiful and pathetic. Besides, it seldom is *all* a mistake, *all* a dream. There generally is much, too much reality in the causes that have urged him along the downward road ending in the abyss which has already swallowed up so many noble lives. The conviction of truth must be strong indeed which can cause men to deny their own natures, to tread under foot all their gentle instincts ; which can make cold-blooded murderers of kindly, warmhearted men, eminently humane in their views and daily intercourse, helpful to others, forgetful of self. Thus it is that we abhor the deed, but our feelings toward the doers are those of respectful pity ; nay, in many cases, of admiration. The fascination attending the trials of such criminals is not unlike that exercised by a profounder study of the French Revolution, where we see the most inhuman atrocities decreed or perpetrated by men who at other times and in their homes were even as other men, or better ; of whom few were monsters, and none were originally so. Such a trial, in short, offers one of the most intricate and insoluble of psychological puzzles.

Of all countries in the world, Russia can of late years claim the sad distinction of having produced in greatest numbers these abnormal growths of a deeply convulsed intellectual soil. The well known "Nihilists" (christened by Tourguénieff for all eternity), the boisterous, pugnacious, ranting, yet talented and comparatively harmless boys of twenty and thirty years ago, have been succeeded by another and far more dangerous generation, — boys also, most of them, but who have developed the quiet, dogged resolution, the merciless, unswerving sequence of thought and act, the unreasoning self-sacrifice which lie at the core of the Russian nature when powerfully aroused. The earlier ones contented themselves with general fault-finding (in many cases with but too much reason), with noisy denunciations of everything and everybody, from existing social principles to poetry and ladies' fancy-work, with sweeping and often ludicrously absurd negations of



all that is not positive science or material improvement. Not so the latter, the so-called "socialists," — for that name begins very generally to supersede the old one. Their predecessors' much-aired grievances, instead of evaporating in more or less violent talk, have with them settled into a dark purpose, which they pursue literally to the death, — to their own death most frequently, sometimes also to that of their selected victims. They take the risk and pay the forfeit manfully, stubbornly. The many criminal State-trials of the last three years have amply shown that Russia has been visited by a virulent paroxysm of that form of political aberration which made so great a patriot and so pure a man as Mazzini an advocate of political murder, and armed the gentle hand of the romantic, tender-souled boy Sand with the assassin's dagger. Two months ago, on the 16th (4th) of November, the execution of two important leaders of the deadly secret organization called "the terrorizing fraction" atoned for the long series of murderous attempts against the Emperor's person which followed the assassination of Prince Krapòtkin in February, 1879. The trial which preceded, conducted before the St. Petersburg Military Court, was on so unusually large a scale, involved so many points and persons, and resulted in such vast and important revelations, that an account of the judicial proceedings on this momentous occasion may prove not uninteresting to American readers, and may shed light on some of the questions concerning which the intelligent curiosity of the cultivated public of this country has long been awakened.

On the 6th of November (25th of October) of last year sixteen persons were brought to trial for heavy political offences before the St. Petersburg Military Court. Great and unusual precautions had been taken to insure an undisturbed course to the judicial proceedings. The general public were not admitted; tickets were distributed; and it was noticed by an eye-witness that although the audience was so numerous as to fill the hall, it was composed of persons wearing the military or civil uniform, there being present only four persons in the ordinary garb of private gentlemen. Although the reporters of the press were admitted, the several dailies and weeklies had been notified to abstain from publishing their own reports from shorthand notes as is usual in such cases, and to limit themselves to copying the full-length report which would appear in a series of numbers of the daily "Government Gazette." The sixteen prisoners entered the court escorted each by two *gensdarmes*, and took their places in a calm and dignified manner. In spite of great differences in their social rank, education, even race and religion, one characteristic feature was common to all, — they were very young; all, with one exception, under thirty, one half under twenty-five. There were three women in the number, — girls of twenty-one, twenty-two, and twenty-three years of

age. The single exception was one Mr. Drigo, aged thirty-one, a landholder and business man of good standing, who was merely an accessory to the revolutionary party with regard to certain money matters. From the personal facts and antecedents concerning the prisoners, given in curt and dry phrase by the Act of Accusation, it appears that of the thirteen men one was a Catholic, of a Polish family settled in Little Russia, and two were Israelites ; that two never received any education at all, and seven did not complete their education, but left the University, or the Technological Institute, or Teachers' Seminary, or other schools or colleges, in the first, second, or third year of the course. Alexander Kviatkovsky, aged twenty-seven, the most prominent among the prisoners, was one of these ; but he must have been endowed with great natural parts and moral powers. From the first moment, the general attention was centred on him, and his personal appearance is thus described by the correspondent of the *Augsburger Zeitung* : " Kviatkovsky has a very intelligent face ; long dark-blonde hair and a full beard frame a set of features expressive of great energy and power of will. He both bears himself and speaks well and with ease." He immediately and naturally assumed the attitude of a leader among his companions, — a position which they all seemed tacitly to acknowledge, as though from long and habitual deference, and to which he was fully entitled, as proved by the disclosures of the trial, from the part which he has played in the troubles of the last three years. It was remarked that although he appeared to have surrendered himself from the first, and with the utmost philosophy, to a fate against which he knew that not the ablest defence could prevail, he was unremittingly anxious to shield his followers, and never missed an opportunity of taking the whole blame upon himself and exonerating them from this or that charge, on the ground of having been used by him as blind tools, and kept in ignorance of his purposes.

The first day of the trial was almost entirely consumed by the reading of the Act of Accusation. That this document should have grown to so unusual a bulk is not to be wondered at, since it covered a space of two years, and contained a detailed relation of all the criminal acts perpetrated in that interval by members of the ultra-socialistic party, in which all the prisoners then present at the bar had directly and personally participated. The Act was divided under ten different heads, comprising the following offences : participation in the murder of Prince Krapòtkin, the Governor of Khàrkoff, in February, 1879 ; in Solovioff's attempt on the Emperor's life in April of the same year ; in the socialistic-revolutionary convention which took place at Lipetsk in the following June, and at which the subsequent attempts were planned, it being at the same time resolved to use dynamite instead of ordinary weapons ; in the ensuing threefold murderous attempt in November,



1879, by means of dynamite mines laid under railway tracks at three different places, of which one proved useless as His Majesty changed his route at the last moment, another took no effect from unknown causes, probably unskilful management, and the third did by its explosion cause the destruction of the imperial train, but did not endanger the Emperor's person, owing to his having passed the spot a few moments before in an ordinary train ; in the laying of a powerful dynamite mine under one of the apartments in the Winter Palace, resulting in the terrible explosion of the 17th (5th) of February, 1880, which caused the loss of eleven lives, and more or less severely injured fifty-six persons. Furthermore, several of the prisoners were accused of organizing and entertaining an active secret press in the capital, for the purpose of printing and spreading abroad revolutionary proclamations, flying numbers of seditious and terroristic papers, as also of forging passports and other documents ; the same prisoners being moreover accused of having offered armed resistance to the police, who surprised them in their hiding-place with the press in full activity. The prisoner Presniakoff was charged besides with having fired at two persons who aided a disguised policeman in arresting him on one of the public streets, wounding both and causing the death of one. Lastly all the prisoners were "accused of belonging to the secret society of the socialistic-revolutionary party, whose object is, by sedition and violence, to subvert the State institutions and social order, and which has manifested its existence by a long series of the heaviest political offences." They were also all charged, with three exceptions, with having lived under numerous assumed names, supporting their aliases by forged passports and other documents ; while the prisoner Drigo was accused of having supplied the socialistic-revolutionary party with the funds necessary for carrying out their very expensive undertakings and machinations.

The question of funds is one which has considerably puzzled public curiosity. People cannot carry on costly mining-works in different parts of the country and secret publishing on a large scale, travel at the shortest notice from end to end of so vast an empire, hire and buy houses to conspire and work in, and maintain a large number of subaltern agents, mostly needy young men, who in devoting their time and energies to "the work " give up their only chance of earning even a precarious livelihood, — people cannot do all this without spending large sums of money ; and where did the money come from ? — for it is a curious but well-established fact, that men as a rule are more lavish of their lives than of their purses. The accusation against Mr. Drigo answers this question very fully and very strikingly ; and as he pleaded guilty with only a distinction of degree in the offence, and his case, therefore, presented no difficulty or complication, it may as well be disposed of now, at this early stage of the proceedings.

Though there may have been small contributions for revolutionary purposes from the less needy members of the party, it is now proved that the great bulk of the expended funds were derived from the private fortune of Dmitri Lizogoub, a prominent leader executed in August, 1879. This gentleman, judging from no other data but those supplied by the Act of Accusation, the speech of the counsel for the Crown, and the few simple remarks offered by Drigo in his own defence, appears to have been by no means an ordinary character. Having early come into an inheritance consisting of landed property to the amount of something over one hundred and eighty-seven thousand roubles (exactly half of that sum in dollars, at the present low rate of exchange), as was testified by his brothers at his trial, he immediately began quietly to turn every acre into money, which he consistently applied to the uses of "the party," limiting his personal expenditure to the trifling sum of five hundred roubles a year. He evidently looked on his wealth as a sacred deposit, of which he was but the steward, in conscience bound to husband it for the furtherance of "the good cause," allotting to himself only the merest pittance necessary for actually supporting life. So thoroughly did he carry out his sternly-planned self-denial, that at the time of his death barely thirty thousand roubles could be found of his considerable patrimony. Repeatedly implicated in political machinations, and once already placed under temporary arrest, Lizogoub found it unsafe to remit the required sums directly and in his own person to the respective agents, as also to attend himself to the final liquidation of his still remaining estates, — a measure which became doubly urgent after he was again and definitively arrested in 1878. Some time before this event, he had placed his entire fortune, by means of full powers of attorney, in the hands of his neighbor and early friend Vladimir Drigo, and used to give him private directions as to the payment of more or less considerable sums, from one hundred roubles to one thousand and upward, and at different times to sundry individuals who proved to be revolutionary agents of the deepest dye. Even from his prison in Odessa Lizogoub managed, by contrivances which have not been found out to this day, and which seem to imply connivance from quarters where such would least be looked for, to keep up an active correspondence in short notes with his political friends and Drigo, who continued to carry out his orders with respect to further payments out of his property. One of these notes, bearing the postscript, pathetic in its simplicity, "*I trust you,*" came into the hands of justice, and was shown to Lizogoub's two brothers, who recognized it as being in their brother Dmitri's handwriting. Drigo meanwhile, urged by his friendship for the prisoner, worked hard and anxiously to accomplish the final liquidation, — partly by effecting



sales in his own name, partly by transferring large sums into his own hands and those of other trusty friends, as the only way of securing means of existence to Lizogoub in the future, no more tragical issue of his trial being at first anticipated than a rigorous banishment. For a judicial sentence is usually accompanied by degradation ; that is to say, the condemned person is stripped of his rank and all civil rights and privileges thereto pertaining, and disabled from holding property, which, if he is in possession of any, is either confiscated to the Crown or passes to his heirs as though he were dead, as the sentence may be. The most ordinary mode of eluding this severe clause, which would leave a condemned prisoner penniless, is by fictitious mortgages and bills, the friendly holders of which foreclose at a given moment, and thus rescue the prisoner's real estate or movables from the law, and either apply the income to his needs, or, by liquidation, secure for him a capital. This operation Drigo was anxious to accomplish in Lizogoub's behalf, but the fatal termination of his friend's career rendered further efforts unnecessary ; and, besides, not much of the fortune was left, as has been seen. From the moment of Lizogoub's death Drigo's connection with "the party" entirely ceased, and none of its members received from him any more pecuniary assistance. The latter fact was duly noticed in the Act of Accusation as an extenuating circumstance. He was only charged with having supplied certain persons with funds, not his own indeed, but which he knew would be used for illegal purposes. The case against him was very fairly stated thus: "The person who gave the money might be ignorant of the meditated crimes for the perpetration of which it was raised, but it could not be unknown to him that the supplies which passed through his hands were destined for revolutionary purposes." Drigo did not deny the fact of having paid sums of money to sundry persons, strangers to him, by Lizogoub's order ; but pleaded that, placed as he was, he could not act differently ; nor did he admit having any knowledge whatever of their illegal character. He absolutely denied ever having belonged to the revolutionary party himself, a denial borne out by his antecedents, which showed him to have been a model landlord, looked up to by all his neighbors, and never implicated in any political troubles before he consented to take on himself the full management of Lizogoub's property. "I was guided in my actions solely by my friendship to Lizogoub ; and if friendship constitutes a political offence, in that case I must plead guilty." With these simple words he closed his brief defence. The sentence passed against Drigo was, in consideration of his exceptional position and honorable character, as mild as could be expected, — degradation and simple banishment to the Government of Tomsk, in Western Siberia.

When, after the Act of Accusation had been read, the prisoners

were asked in the usual form whether they pleaded guilty or not guilty, they did not attempt unavailing denial ; all, with one exception, pleaded guilty in the main, but with certain qualifications and more or less nice distinctions as to details, shadings of opinion or intention. Some, while avowing that they belonged to the socialistic-revolutionary party, denied all connection with that fraction of it which advocated terrorization. One said : " I admit that I am a socialist, but I am not a revolutionist." Kviatkovsky and one other allowed that they had taken part in the socialistic convention at Lipetsk, but would not concede that the ensuing attempts against the Czar's person had been there resolved upon, except theoretically and conditionally : " Should certain contingencies take place, it was to be done ; should they not, it might be left undone." " It was decided," explained his companion, " to repeat the attempts, should the Government persist in the line of conduct it had pursued towards the ' party ' and the people. But the Convention did not discuss the questions as to *how* it was to be done, by whom, and under what circumstances ; so there was no talk of mining and dynamite."

At the preliminary examinations the prisoners had made confessions even more ample than they appeared willing to indorse before the court. They may have been advised by their counsel not to criminate themselves unwarily, nor to make unnecessary admissions. Still, on the whole, denial was certainly not the line of defence which they adopted. Among the witnesses who would be summoned to confront them they knew that *one* was to be brought forward whose deposition would be evidence most damning and conclusive against them, — a witness from the dead as it were, and one of their own number. Goldenberg, an Israelite aged twenty-four, the murderer of Prince Krapòtkin, did not take his place on the prisoners' benches with his sixteen companions, being shortly reported in the Act of Accusation to " have died in the fortress, on the 29th (17th) of July of the present year." His act and his fate are not the least striking feature of this extraordinary trial. He wrote and signed a relation, most full and elaborate, not only of his own doings in the service of the revolutionary party, but of all those of his fellow-conspirators in which he had borne a part, or of which he had had a knowledge ; he laid bare all that was known to him of the secret central organization called " the directing and the executive committees ;" he left out no detail, concealed no name. Then — he committed suicide ! Were it not for this last circumstance he would stand branded as the blackest of traitors, and we should be disposed to yield but scanty credence or sympathy to the long preface in which he expounds his motives and aims, even though it contains much weighty reasoning, much deep, apparently genuine feeling awakened by the sorrowful retrospect and gloomy anticipations natural to a spirit sobered by



long confinement. As it is, we may at least suspend our judgment, give the unfortunate youth credit for sincerity, and wish that the sad reflections wrung from him by suffering and despondency should gain ground among his former associates, who would possibly cease from their murderous machinations with very weariness, if they could but once become convinced that by persisting in them they only disgrace and undo the cause which they seek to uphold.

Goldenberg begins by professing himself a member not only of the socialistic-revolutionary party, but of that fraction of the same which under the denomination of "disorganizers" or "terrorists" has undertaken to subvert the whole now subsisting order of things, and to compel the Government, by sheer force of intimidation, to desist from its entire political course, and especially the repressive measures which it has long pursued against such of the association as fell into its hands. "I am an advocate of political murders," he adds, "in so far as they are substitutes for free speech, as they undermine the public confidence in the government and its organization, and as a given agent of the government has deserved his doom, — that is, in so far as he is obnoxious to the socialistic party." Then, after touching shortly on the grounds which made him proclaim himself the assassin of Prince Krapòtkin, he goes on : —

"A long interval of time has elapsed since then. . . . Solitary confinement, like every evil thing in the world, has its good side, which consists in enabling a man to think, and think freely, unhindered and unswayed by the course of events. I have done so, and found that after travelling so arduous and bloody a road nothing is done anywhere, not among the people, not among society, not among the youth of the land, and that the struggle still continues, — a most wearing struggle: men perish, and perish without end, in dungeons, in Eastern Siberia, lastly on gibbets. I especially centred my thoughts on the proceedings of the terrorists, and came to the conclusion that they had entered on a mistaken course; that while they strive with their whole souls, with all their might, for the most natural and undoubted human right, — that of political liberty, — they have not chosen the right means to attain it. I found that political murders not only had not brought us nearer to that better state of things for which we all long, but had on the contrary made it incumbent on the Government to take extreme measures against us; that it is owing to that same theory of political murder we have had the misfortune of seeing twenty gibbets raised in our midst, and that to it we are indebted for the dreadful reaction which lies with crushing weight on all alike. I reflected that the socialists ought to have known and remembered that the Government is able to put forth the same means, but with an amount of might which must destroy all that crosses its path. . . . Such were some of the cheerless conclusions to which I came after much thinking. Of course, I might have persisted in my former convictions. I might have gone on leading men to death, and have calmly died myself on the gibbet, had I known that I should be the final expiatory victim, that my death would close this sad and horrible period of our social development. But the thought that my death-sentence would not be the last, that more would follow and inevitably call forth new reprisals, which in their turn would be visited on the party by still severer measures, and thus the number of the victims would go on increasing, until the Government would after all come out victor from the unequal

conflict, from which it never can desist as long as the entire movement is not put down, — this thought filled me with inexpressible dread. . . . I stand aghast at the certainty that persecution must at last overcome, suppress for a long time, the general active stir so healthful in itself in favor of political reform, and that we shall then bitterly regret having manifested our activity in so harsh a form as to drag to perdition numbers of unheeded victims."

There is nothing in all this that the most earnest, upright lover of his country could not indorse; no sound head, no feeling heart, but must deplore with the solitary, brooding prisoner the fatal excesses which he denounces, and wish that all his associates might come to the same tardy, dearly-bought insight. Can we refuse him our sympathy when he expresses a passionate desire "to put an end to all these evils, to assist in bringing about a speedy transition to another and better state of things, to save many from the death-sentence impending over them"? But when he tells us *by what means* he intends to achieve all this, we look at each other in puzzled bewilderment: can he seriously think he will save his friends by turning informer against them? Does he blind himself to the ugly word by the pompous phraseology in which he clothes it? —

"I have nerved myself to a most dire and terrible act; I have resolved to employ a remedy which makes my veins throb painfully, and my eyes overflow with burning tears. I have resolved to repress within myself all feeling of either enmity or affection, and to perform another great act of self-denial for the good of our young men, of our society, of our beloved Russia. I have resolved to lay open the entire organization, all that is known to me, as a preventive against the dreadful future which awaits us, against a whole series of executions and other repressive measures."

It would certainly be a satisfaction to be quite sure that the converted terrorist meant well, and if he did commit suicide after completing his revelation there would be little doubt of his sincerity. Still, the connection between the end which he proposes to himself and the means which he takes towards it is very difficult to establish, — so much so that, if we believe the foreign correspondents, there have not been wanting sceptics who entirely disbelieved in his death, and considered the report only as a clever *mise en scène* to avoid his personal appearance in the witness-box and a possible reaction of feeling, or simply to shield him from the vengeance of the betrayed. One correspondent says: —

"Goldenberg is fast becoming the hero of a cycle of legends. . . . Some believe he is not dead at all, but is only kept in concealment; and that he suffered himself to be moved to a full confession by the promise of a very large sum of money and impunity. Many persons in the best circles share the belief that he is alive."

Yet his suicide was formally announced in the last number of the "Naròdnaya Vòlia," the secret revolutionary organ.

Meanwhile, and whatever be the true solution of this obscure and



distressing point, Goldenberg's deposition, which occupies a great many newspaper columns, is one of the most extraordinary, the most thrilling documents which it is possible to read. Not the most exciting memoirs penned by a gifted hand in stirring times, not those of Cellini himself, can surpass in fascination this unadorned, unimpassioned narrative. We need only follow its consecutive statements, but slightly commented on or corrected in the subsequent answers of the prisoners, the final speeches for the accusation or the defence, to see the whole strange drama enacted before our eyes, appalling in its very homeliness and in its utterly commonplace details. The whole thing looks so familiar and at the same time so wildly unreal, that we are tempted to rub our eyes and ask, Where are we? Are these things done in the latter quarter of the nineteenth century? Are these the men — the boys — whom we have sympathized with and soothed in their grievances, their aspirations, their alternations of despondency or exaltation?

Here is a circle of young people, with nice, homelike names, gathered round a tea-table with its hissing *samovâr*, — a scene which every Russian woman has presided over a hundred times. The young men are mostly students of the universities of Kieff or Khàrkoff; the girls belong to the same class of unquiet spirits. They talk much and loudly, their animated gestures and excited faces show that they are discussing one of those burning *questions du jour* which in a certain circle turn every social gathering into a pandemonium on a small scale, where through dense clouds of cheap cigarette-smoke eyes flash, arms are flourished, voices ring, sharply isolated or blended into a general din; where there is everybody to speak and no one to listen. *Connu!* We all have assisted at some of these unparliamentary debates, where the newly-brewed thought revels in ungovernable fermentation. But hark! the theme is somewhat startling: it is a question of life or death which is being canvassed. Judgment is being passed on the governor, Prince Krapòtkin, whose brutal ill-treatment of the students — both at their last mass-meeting, when a troop of Cossacks rode into the midst of them plying their *nagàïkas* (horsewhips) right and left, and later in the prison to which many were summarily consigned — calls for retaliation. And now a newly-arrived guest addresses the circle, and is listened to as one whose word claims authority. Goldenberg writes: —

"I wished to alleviate the lot of the prisoners, and also to take vengeance on Prince Krapòtkin, as the cause of their sufferings. I came to the conclusion that the best means to compass both these ends would be to kill him, as a sure way to turn the attention of both government and public to the fate of political prisoners in general. . . . I did not at once declare my own determination to do the deed, but only expressed my opinion that such a measure ought to be taken against him, — an opinion to which all responded approvingly. There was much discussion con-

cerning the manner in which it should be done, so as more forcibly to influence the public. I and two others (one a woman) were for an open act, but the majority were in favor of secret assassination. . . . The question was decided in this sense, much against my earnest wish."

This was in the last days of December. From that time to the 21st (9th) of February Goldenberg, faithfully aided by a crowd of associates — some of whom he knows only under their assumed names, since one and all they lived with forged or borrowed passports — coolly prepares the execution of the decree. Not less than twenty persons are named as having in different ways assisted him. One of them, Goldenberg's inseparable attendant, entreated his friend to yield to him the honor of the execution; "but I told him and Zoubkavsky that I would shoot the man who should interfere with me and kill the prince in my stead." This young zealot was Kobylansky, one of "the sixteen," then not quite twenty. "The little Pole," as he was called with some degree of contemptuous pity, afterward boasted to friends at a distance from Kharkoff that *he* was the murderer, but at the trial denied having even had any knowledge of the contemplated deed, and altogether was the only one of the party who bore himself in a way which showed him to be a poor feeble-minded creature. The two conspirators dogged the governor for weeks, and more than one opportunity was missed: one day a fog made it too uncertain to fire, another day the distance was too great; one evening they met him in the theatre, "but he was with his wife and daughter, and they did not wish to endanger them." At length, on the 21st (9th) of February, as Prince Krapotkin was returning home alone between nine and ten at night, Goldenberg, who was pacing the sidewalk before his house, ran up to the carriage, fired a well-aimed shot through the open window, and disappeared in the darkness. Favored by the night and watched over by friends, he had no difficulty in escaping from the city. The death of the victim ensued only a week later.

The scene changes to St. Petersburg. We find there Goldenberg, safe and undaunted, busily planning a more terrible sequel to his first successful crime, and surrounded by a numerous set of new acquaintances and associates, of whom he distinctly states that he did not know the real name of one. "The little Pole" still hovers admiringly round him, with unabated ardor. But his most constant companion is a young man lately arrived from a distant province, with a deep-set purpose in his heart. The three frequently visited together a shooting-gallery, where the new-comer assiduously practised his eye and hand. What his purpose was did not long remain a secret. At a meeting held with amazing recklessness, almost openly and within general hearing, at a much-frequented tavern in one of the most crowded streets, that purpose was declared and discussed. The question propounded was the expediency of a decisive attempt on the



Czar's life, to be undertaken by a man of strong nerve and unswerving resolution. There was no lack of volunteers. Goldenberg coolly proposed himself, on the ground that he had been tried and had nothing to lose, — his life being already forfeited by reason of one murder. His offer was rejected on account of his Hebrew nationality and religion, for fear that so desperate a deed might throw too great an odium on his entire race, since Christian communities have ever been but too prone to hold it collectively responsible for offences committed by individuals belonging to it. "The little Pole," baffled in his ambition at Khàrkoff, was anxious to obtain the far higher distinction of laying low so much more exalted a head. But he was set aside at once as entirely unfit for so responsible and terrible a mission. His being a Pole was judged a sufficient objection, since the conspirators did not wish the regicide to be attributed to national animosity. None but a Russian hand should be raised against the head of the Russian people, that the world, well aware how deeply the almost religious feeling of loyalty is rooted in every Russian breast, might from the enormity of the deed judge of the magnitude of the provocation and the deadliness of the resolve. These youthful enthusiasts seem to have approached this culminating act of their political creed with a certain degree of awe, somewhat in the spirit of Brutus :—

"Let us be sacrificers, but not butchers. . . .

Alas !

Cæsar must bleed for it ! And, gentle friends,

Let's kill him boldly, not wrathfully. . . .

This shall make

Our purpose necessary and not envious,

Which, so appearing to the common eyes,

We shall be called purgers, not murderers."

At last Solovioff, the new arrival, declared the debate useless, since he was determined to strike the blow himself, whether empowered to it or not, having come from Saratoff for no other purpose. He added that this resolve had originated in his mind independently of any instigation, and that he would yield the execution to no other person ; that should "the party" decide to adjourn or forego it, he would separate himself from them and act on his own responsibility. "It was his *idée fixe*" said Kviatkovsky, when questioned on the subject. Nothing now remained but to settle questions of preliminaries and details, of which the most urgent was to give secret warning to "the illegal parties" — as they are expressively named from the fact of their living *illegally* under assumed names and with false papers — to leave the city at once, so as to involve as few persons as possible in the coming catastrophe. It is well known that the meditated attempt was committed by Solovioff on the

14th (2d) of April; that he failed, and paid for his fanaticism with his life.

But by far the most thrilling pages in Goldenberg's narrative are those in which he describes, with the lifelike vividness of an eye-witness, the mining of the railway track on the outskirts of Moscow, which ended in the explosion of the 1st of December (19th of November). At the convention held by the leaders of the socialistic party at Lipetsk in the preceding June, and whose doings and resolutions deserve a separate paragraph, the regicide question had been amply discussed. It was settled in the affirmative. Whether only "theoretically and conditionally" or in a definite form, as to time and place, ways and means, is of no material importance. Enough that very soon after the convention separated several of its most prominent members, with a dogged stubbornness of purpose and an almost incredible recklessness of danger and detection, set to work to carry out the very elaborate preparations for a great final and, as they confidently imagined, unerring *coup*. The revolver was discarded for a surer and even more deadly agent—dynamite. A sufficient quantity—three *pounds*, about one hundred and twenty pounds—was secretly manufactured in St. Petersburg and sent off to Moscow under the care of two passengers who took it as a favor with their own luggage, never suspecting that the box labelled "Crockery" contained anything else, and on arriving in Moscow left it, as directed, in the luggage-room "till called for" by the person to whom they had been requested to hand over the check. Three pounds more were taken to Khàrkoff by two of the conspirators, who carried it simply in their trunk. This trunk they kept for some time at their hotel, then had it conveyed first to the lodgings of a student, and lastly to those of a lady friend, both of whom belonged to "the party," yet were not informed of the contents of the trunk, part of which was afterward carried as ignorantly by a third person to Odessa, and there safely received. That no accident should ever have happened in all these peregrinations seems almost miraculous. But the manufacturing and transporting of dynamite was the least part of the undertaking. Much the most difficult task was the long and wearisome mining process, the difficulty being greatly increased by the inexperience of the laborers, the scarcity and imperfection of the tools and the necessity of submitting to countless discomforts in order to preserve the silence and outward tranquillity indispensable to avoid a detection always imminent at the best. Nor would it have been possible to achieve even the preliminaries without the assistance of the female associates,—an assistance which was rendered with unremitting cheerfulness, unflagging presence of mind, and absolute self-devotion. Goldenberg shared for a time the exciting life and labors of his



Moscow friends. And if, as is often averred, some of them had been drawn into the current of sedition and conspiracy mainly by a certain adventurous restlessness of spirit, a craving for release from the tame routine of modern life, surely they must have been amply satisfied. Such a state of constant alarm, perpetual watchfulness, hair-breadth escapes, familiarity with peril even to the blunting of the keen-edged sense of danger, is just what we look for in one of Cooper's Indian stories or a Highland tale, but is infinitely startling in the midst of a modern, orderly, civilized community.

Thoroughly and cunningly had the enterprise been devised to the smallest details. A house situated in close vicinity to the track had been purchased under the name of one of the conspirators, — assumed of course, — who settled in it with one of the young women who shared the secret and gave herself out as his wife, and a few companions, male and female.<sup>1</sup> Several more took possession of furnished lodgings hired in the city itself by another such fictitious couple, and used to come over for the day. The house was too small to accommodate permanently so many inmates. Besides, it was deemed advisable not to affront the wondering gossip of a prying neighborhood, which would infallibly have been started on the right scent by such an overcrowding of narrow quarters. The city-lodgings, moreover, were to facilitate communications, and, in case of need, to favor concealment and flight. The direction of the work was entrusted to the nominal owner of the house, known under the nickname of "the Alchemist." A subterranean gallery had to be conducted to the track, passing under the embankment. One or more openings were to be bored through the track itself, and iron pipes containing dynamite were to be inserted into the holes. The distance was somewhat longer and the labor rather harder than had been anticipated. The sides and roof of the gallery, dug in the soft earth by hand and shovel, were prevented from falling in by boards, which were placed triangularly, tent-wise, — a piece of work which necessitated a most uncomfortable twist of the body, since in no place was there sufficient height to stand up. The whole stock of tools consisted of two shovels and a sort of scoop, like that used by grocers, to smooth the sides of the gallery before placing the boards; the auger or borer and the pipes lay in readiness, — they had been ordered in Moscow, the workmen of course being ignorant of their destination. The former was afterward sent to St. Petersburg, where it turned up in the secret printing-office and served as one of the most convincing items of evidence. The earth was taken out on sheets of tin plate, provided with casters and running on rails, — an ingenious contrivance of "the Alchemist." Each load was brought under the hatch or shaft

<sup>1</sup> His real name is Hartmann. The young lady, Sophia Perovsky, is the daughter of a gentleman of rank and position. They both escaped, and have not yet been found.

cut in one of the rooms on the ground-floor, and raised by means of ropes, worked from above by a species of roughly-constructed windlass. The greatest difficulty was how to dispose of the earth and rubbish. At first it was spread out and smoothly trodden down in the yard; then they began to fill the cellar with it, and lastly took to shovelling it into the larder on the ground-floor, which at one time was crammed so tightly that the walls gave way, and boards began to fall out of them. Difficulties increased as the work advanced. A wooden post on which they stumbled gave them very much trouble. Stones greatly obstructed their advance as they neared the embankment. In one place water oozed through the top of the vault and threatened an inundation, so that it had to be pumped out; and once the work was interrupted for two days. Lastly, and in spite of ventilation-pipes laid in every convenient place, the air grew more and more oppressive and scarce, not to mention the danger of being buried under crumbling masses of earth,—a danger which became so great that “the Alchemist” always carried poison about him, to insure himself a prompt and painless death, should the expected catastrophe really come to pass. The fatigue, the hardship, and the suffering must have been terrible to men for the most part unused to manual labor. Yet this seditious household seems to have been by no means a gloomy one. Its members were united; the self-imposed duties were discharged with enthusiastic emulation. Only one proved “a wretched workman, and so lazy that he was discarded;” another was in bad health, and for that reason was sent off on some easier errand, not without taking with him a small stone from the gallery “as a keepsake.” One of the youngest members, though miserably ill all the while, and probably consumptive, was the most indefatigable laborer of all. His deep conviction of working for the good of his country supported him through hardship and pain. But even aside from the ultimate object, the well-known beneficent, exhilarating power of *work*, the actual process of labor in itself, independently of every association or ambition, must have made itself felt in heightened pulse and genial flow of spirits. These fanatical young miners must often have rejoiced at some obstacle overcome by patience, at some success achieved under difficulties by some simple but clever contrivance, at some gossip outwitted, without reflecting at every instant that the result for which they strained nerve and brain was to be death to many, and in all probability to themselves. There is a freshness and cheeriness about this part of Goldenberg’s relation which is very pathetic when contrasted with the circumstances under which he wrote. He dwells on little incidents of no importance whatever with respect to the momentous facts of which he treats, but full of interest and dramatic vividness, as if even in the dreary, hopeless solitude of his prison cell he still enjoyed the whiff



of life and liberty wafted into his living grave by the retrospect of those days of lawlessness and danger, but also of daring and enthusiasm. He writes:—

“We worked very assiduously, beginning generally about six in the morning; by eight we usually had placed one pair of boards, when we came in to tea. We then worked on till two, our dinner hour; took a short rest, and worked again till ten. . . . I remember that once, during the first days of my stay, the former owner of the house, Anna Trofimoff, came in to get some sweet-meats which she had left in the larder. This happened in the morning, and she was met by Hartmann, as the rest were all underground. Marina Semiõnovna [the lady who played housekeeper to the party], being aware that the larder was choke-full of earth so that several boards had burst out of the sides, — a state of things which could not fail to excite the visitor’s attention, — professed to have lost the key, and so kept her away from it. Another morning Anna Trofimoff came in with a relative of hers, to take away some other things. At that very moment Marina Semiõnovna was approaching the house with her marketing. We did not wish her to be met by Anna Trofimoff, who might have noticed the large quantity of her purchases, so we rapped on the window and signed to her not to come nearer; she understood us and retired. She was quite equal at any time to take care of herself and us. Thus once, when Anna Trofimoff’s servant Mary came in and made some remarks which caused us to feel uncomfortable, Marina began to talk of her housekeeping, and how the cat had drunk all the milk, and so turned off the conversation. . . . I also remember that Hartmann once forgot to shut and lock the door of the kitchen, where we had cut the hatch. Next morning an old man came, whose name I do not remember, but who used to live in the house before it was sold, and, on entering, remonstrated with Hartmann on the imprudence of leaving the door open. We were in the next room, and hearing this were greatly frightened, lest the old man might have noticed our work; but he had not.”

The women shared the household duties with as much eagerness and good-will as the men jointly pursued their underground work. Nor was their assistance limited to this humbler sphere. When the day and hour of the Emperor’s passage was announced in the papers, and the *rôles* had to be finally distributed for the closing scene, it was Sophia Perovsky who was ordered to stand on the track, watch for the train, and give the signal by waving her handkerchief. “She was greatly pleased,” says Goldenberg, “that this duty had devolved upon her, and repeatedly told me that she considered herself fortunate.” Meanwhile it was known that the police hovered alarmingly in the neighborhood, as they always do around every railway station on the imperial itinerary; and it was unanimously resolved, in case of surprise, to blow up the house, but on no account to surrender alive. From that moment Sophia Perovsky or another continually mounted guard with cocked revolver in the room where the dynamite was kept in two large bottles under a bed, ready at any moment to fire into it.

Shakspeare might have dramatized this sketch; but could he have improved it?

Z. RAGOZIN.

STATUTES REGULATING THE PRACTICE  
OF MEDICINE.

THE grave evils continually arising from the practice of medicine by ignorant and dishonest persons, and frequently forced upon public attention by some case of piteous suffering or needless death, have led in all other civilized countries save our own to stringent laws for the regulation of medical practice. In most of the American colonies there were formerly similar laws, which in the course of time were abrogated or allowed to pass into desuetude. Within the last ten years, however, the necessity of such statutes has become so apparent that nearly every year a law is passed by some of our legislatures, which, based on the existing American law, is yet improved in the direction of stringency, simplicity, and unity. There are many difficulties in the way of satisfactory and efficient legislation concerning the practice of medicine. In the first place, it cannot be denied that any law restricting the right of all persons to practise medicine secondarily interferes with the right of every one to choose his own physician, and is thus doubly an invasion of perfect freedom. It can, therefore, be justified only by the existence of evils not merely grave, but of such a nature that they can probably be remedied by the proposed legislation. The burden of proof lies wholly on the promoters of the law. It must also be admitted that all restrictive laws are in themselves bad, and only to be tolerated if they appear less bad than the greater evils which they are adapted to remove.

It is unnecessary to enumerate all the evils caused by ignorance, dishonesty, or negligence of physicians, — using the latter word in the wide sense given it by the Massachusetts courts, as including all persons who “claim to treat disease.” Suffering, danger, loss of time and money, needless death or lifelong regrets, and often impoverishment of dependent families or neglect of motherless children, corruption of morals, and wholesale destruction of pre-natal life, — these are evils touching the State as well as the individual. Travellers, strangers in our great cities, persons suddenly ill or injured, must often depend on the sign of Dr. or M.D. to indicate the presence of a physician. Helpless women and little children are continually maltreated by “those claiming to treat disease,” summoned by well-meaning but ignorant natural protectors, who, if foreign-born, suppose that there are laws here regulating medical practice similar to those extant in all other civilized countries. Every one must balance these evils in his own mind against the admitted inconveniences of a



restrictive law. Promoters of such legislation maintain that medical art may be classed with things which, although indispensable, are of such a nature that the judgment of the buyer is not a sufficient test of the quality of the article ; so that the good of the individual and the welfare of the community demand the regulation of the practice of medicine by the State, just as savings banks, insurance companies, food-supply, building, pilotage, transportation, etc. are regulated. Opponents say, in effect, "*Caveat emptor* ; any person by taking a little trouble can find a reputable physician, and if any one buys poor medical advice let him suffer and be wiser, or die and furnish a useful example. By ceasing to beget his like he will assist in the process of natural selection, which in the good time coming will have eliminated all fools from an improved humanity." This is strong ground, and has the peculiar advantage of requiring no action whatever by philanthropists or legislators. As Herbert Spencer concisely says in discussing this question : "Inconvenience, suffering, and death are the penalties attached by nature to ignorance, as well as to incompetence. They are also the means of remedying these ; and whoso thinks he can mend matters by dissociating ignorance and its penalties lays claim to more than Divine wisdom, and more than Divine benevolence." In order to be consistent, the distinguished author argues in like manner to show that the State ought not to interfere in the matter of education, or of sanitary supervision ; and that such matters as sewers and water-supply are best managed by private enterprise. This is too broad a question to be argued here ; there are enough who "think that they can mend matters by dissociating ignorance and its penalties," to make a discussion of medical legislation interesting and profitable.

The regulation of medical practice by statute is very difficult, owing to the nature of the subject ; and is made more so in this country by various obstacles.

First, by the division of educated physicians into three bodies, hostile to and jealous of each other, united only in condemnation of the great army of quacks and conjurers which preys on society. There is no need of opening this dreary question here, although it is impossible to ignore the fact that a great schism exists in the profession, which to the public seems wholly unnecessary and irrational. For present purposes suffice it to say that public opinion will not for a moment tolerate any law which even indirectly injures or slights homœopathic or eclectic practitioners or colleges. The most successful statutes are those which receive the co-operation of all three medical bodies, acting together on examining boards, and discovering with some surprise that their differences are slighter than had been supposed, and not too great to be covered by the noble rule of

Augustine: "In necessariis unitas; in aliis diversitas; in omnibus charitas."

The second obstacle to regulation of medical practice by statute is the difficulty of fixing the proper standard of professional attainment, owing to the great difference in the requirements of various medical colleges which are empowered to grant diplomas of M.D. It is well known that our country is full of these institutions, some excellent, more mediocre, while nine are known to have habitually sold diplomas to persons who had never studied medicine. But it is now easy to distinguish the reputable from the worthless schools by following the list of the United States Commissioner of Education, Mr. Eaton, who has carefully compiled a register of all respectable medical colleges in this and all other countries. This is published in his annual report.

The third chief obstacle to medical legislation is the opposition of the Spiritualists, clairvoyants, magnetic rubbers, and other claimants of superhuman powers for healing. With them has allied itself the vast army of charlatans of every kind, who protect their interests under pretence of defending their religious opinions, and of unfolding a system of healing of high usefulness to suffering humanity. These persons are able to produce a cloud of witnesses who believe and testify that they have been healed of various incurable diseases and saved from divers kinds of death by "mediums" or magnetic healers, after the failure of the best medical talent. The peculiar difficulty which these practitioners offer to the formation of a satisfactory medical act is that they claim that their gift of healing is entirely independent of intellectual development; that it often comes to persons obviously mentally incapable of acquiring a medical education, sometimes being developed late in life. It is easy to laugh at their claims, but the amount and character of testimony which they bring is such that it would be hard for any legislative committee entirely to ignore it. There is, moreover, a belief very widely diffused throughout the community that there may be much truth in these wonderful claims. Many persons of good education and social position habitually, though secretly, consult "mediums" and clairvoyants. Such of them as wish to be thought of acute intellect, while rejecting the theory of the intervention of spirits, yet talk learnedly of the "psychic force," and maintain that we are on the eve of some great discovery of the occult power which enables the clairvoyant to describe the "canker" corroding the stomach of some absent person, or which enables the magnetic healer to rub a cancerous tumor out of the liver of a patient "given up to death by the regular faculty." This condition of the public mind must be remembered in drafting a medical act.



Perhaps the greatest obstacle to such a law is the feeling on the part of the public that any such legislation would greatly, if not unduly, favor and protect the medical profession; and therefore, if passed, it would be a particular favor to regular physicians, who would be protected thereby against competition from quacks. The public, therefore, is disposed to leave to physicians the whole onus of procuring the passage of the desired law, and of seeing that it is enforced if passed.

This is just where many such laws have been weakest. The medical profession never has been and never will be willing to undertake any such duty. It conceives that such a law is directly and only for the protection of the community, and must be passed and enforced by the support of public opinion. The individuals engaged in the profession can never be helped pecuniarily by any such means. The competition would only be increased by removing an annoyance, and increasing the dignity of the practice of medicine. The number of physicians is limited only by the struggle for existence, and a general expulsion of quacks would surely be followed by a proportionately great increase in the number of educated members of the profession. The usefulness of the medical societies would soon vanish if they were to engage actively in politics, or in legal prosecutions. Moreover, the discipline of the profession and the exclusion of unworthy members could hardly be so simple and thorough under a State law and civil tribunal as they are at present. For these and other similar reasons a large part of the profession do not desire any law; they feel that they will be losers, and are not sure that the public will be gainers. They feel that they have done their duty as physicians to the public when they have denounced the evils which they observe professionally in the community; and if they assist in the passage or enforcement of a medical statute, it can be only as public-spirited citizens cognizant of the facts, not as medical societies seeking their own aggrandizement. The very fact that it is asserted and widely believed that any such action by physicians is in their own selfish interest, makes them unwilling actively to engage in it.

There are some other obstacles to a medical law, such as the question how to defray the expense of enforcing it; the inconvenience of erecting barriers in one State in the way of practice by physicians living in other States; the difficulty of deciding in any given case wherein consists the practice of medicine, or what is sufficient cause for revocation of a license; and, in general, the difficulty of overcoming and providing against the wiles and tricks by which charlatans in all countries try to elude such laws. These, however, are matters of detail; the chief obstacles to be surmounted are pro-

fessional divisions and jealousy, opposition from those who think that such a law would be too great an invasion of liberty (and these are mostly Spiritualists and their friends, or the charlatans directly interested), public indifference, and on the part of the medical profession unwillingness to appear to act selfishly, or doubts as to the real utility of any such laws. It may be said that these obstacles are sufficient to defeat the passage or render nugatory the provisions of any medical law ; but, in reply, it is fair to observe that they have not prevented the successful passage and operation of similar laws in other countries, and in many of our States. Where such statutes have come into force, the public benefit has been so marked that the general sentiment of the community supports them strongly. Doubt and opposition have diminished, and the operation of the laws justifies their existence.

There are two principal systems on which medical statutes have been framed ; namely, the Continental and the English. Under the former there are examining boards appointed by the State, acting independently of and above the universities, and empowered to give a license to practise medicine, which is usually obtained with more difficulty than the degree of M.D. As a rule, these boards recognize the validity of each other's licenses without further professional examination. None but licentiates of the State boards are permitted to practise, under severe penalties ; but there is nothing to prevent licentiates from practising homœopathically. There is a tribunal having power to revoke licenses and suspend or expel unworthy physicians from practice. This system obtains in Continental Europe and South America.

Under the English system there is no State examining board, but a registrar is appointed to examine the diplomas of medical graduates, and to publish a register giving their names and "qualifications," or medical titles. The diplomas of nineteen British institutions are recognized, and there are provisions by which it is possible for graduates of some colonial and foreign universities to obtain registration. The difficulty of a varying standard of attainment in the nineteen different recognized schools is keenly felt, and the medical fraternity greatly desire a single conjoint examining board representing all these institutions. The English system differs widely from the Continental in not absolutely prohibiting the practice of medicine to persons who are not registered. The law strictly forbids the use of any of the medical titles by persons who have not honestly acquired them. No one whose name is not on the register can be surgeon in the army or navy, or on a passenger ship, or have a medical appointment in any hospital or workhouse, or under the poor-laws. No such person can testify in court as a medical expert, or



sign a valid medical certificate, or collect at law any fee for professional services. But a person not entitled to registration is not prohibited from practising for cash, if he claims no medical title, although it would go hard with him in a suit for malpractice, especially in case the patient had died.

The British-American laws are more stringent, and differ somewhat in the various provinces. The chief points of interest are that they agree in establishing medical boards, appointed in part by the governor, in part representing the universities, and in part elected by the profession. In Ontario elaborate provision is made for the representation of homœopaths and eclectics on the board. This arrangement, although a novelty, has been a great success, and has had much influence on subsequent medical legislation in the United States.

The provincial laws agree in requiring four years' study of medicine. They cause the medical boards to unite the functions of the British registrar in examining diplomas with those of the Continental State examining boards in examining candidates, granting licenses, and fixing the standard of professional attainment. They agree in providing for a register, published annually, and follow the Continental rather than the English system in absolutely prohibiting the practice of medicine to all persons not entitled to registration. The law of Quebec makes the oath of one witness sufficient to secure conviction under the law; and this provision is said, by good authority, to have greatly increased the efficiency of these statutes. The minuteness with which the various ways in which an offence may be committed are specified in these laws suggests the thought that it is better simply to prohibit practising, or attempting to practise, medicine, leaving the determination of the meaning of these terms to the court and jury in each case. The laws agree in providing for the imprisonment of persons who do not pay the fine imposed for violation of the laws. This is an important provision, the omission of which destroyed the usefulness of the former New Hampshire law. These statutes have been very useful in driving out of the provinces an army of charlatans, for the most part travelling quacks from the States, with which the provinces were formerly infested. In answer to questions addressed to the authorities charged with the execution of these laws, answers have been kindly sent stating that the laws are supported by public opinion; that there is no probability of their repeal; that convictions have occurred under them; that unqualified practitioners have for the most part absconded, and that the community has thus been freed from a great evil. These statutes have been passed within the last ten years,—that of Nova Scotia in 1872; that of Ontario (since amended) in 1874; the last, of Quebec, in 1879.

In considering the laws enacted by the legislatures of our States for the regulation of the practice of medicine, it will not be necessary to examine the old laws, which as a rule were repealed about the year 1848, or so modified as to become inoperative, — partly under the influence of the popular ideas prevalent at that time, and partly owing to dissensions arising in the profession itself. The laws in force at present have been passed or amended since 1874, when the stringent Canadian statutes awakened great attention. These were as injurious to the frontier States as they were beneficial to the provinces, owing to the invasion of the former by the horde of charlatans no longer permitted to prey on the citizens of the latter. Accordingly laws were passed in New York in 1874, New Hampshire and Vermont 1875 and 1879, California 1876 and 1878, Illinois 1877; and these were followed by acts of Pennsylvania, Alabama, and Texas. The later laws were better drawn and more effectual than the earlier ones.

Examining these laws in order, it is easy to see the process of development which followed the study of the subject. All the laws are based on the principle of utterly excluding from medical practice all persons not examined as to their medical attainments, and licensed to practise by some authority recognized by the State, — exception being made of persons already in practice for some years.

The law of New York provided that every State or county medical society should appoint a board of censors, with authority to examine candidates having no diplomas, and to license those found qualified. Any person having a diploma from *any* chartered medical school, medical society, or State board of medical examiners in any of the United States was entitled to a license without examination. The whole burden of prosecuting unlicensed practitioners was thrown on the medical societies, upon the assumption that the physicians were the persons chiefly benefited by the act.

This law proved totally inoperative from three causes: first, because various chartered medical schools were selling legal diplomas without study or examination; secondly, because some of the feeble medical societies admitted obviously unqualified members, — one, it is said, advertising to examine those who had been rejected by other societies; thirdly, because the medical societies were unwilling to undertake the ridiculous task of enforcing a law so easily and palpably evaded. The whole statute, like all weak laws, was worse than useless, legalizing quackery, and licensing incompetent and dishonest practitioners, interfering with the operation of independent investigation and suspicion, which in the absence of any law subject all physicians to a continual examination by their patients, which is by no means wholly ineffectual. Although amended in 1875, the law was not of much



service. Public opinion and interest, however, were gradually enlightened and aroused, until the legislature of New York, in 1880, has passed a statute which promises to be very serviceable. It provides that all physicians must be registered ; that those not already licensed who have practised for ten years may continue to do so during the next two years, if they attend some medical school legally incorporated in New York State. After the expiration of this period they may practise only in case they have received a diploma. All physicians in future must be registered, and must have a qualification from one of three sources :—

1. From boards of examiners appointed by the regents of the University of New York ; these must examine applicants according to the doctrines of whichever of the three medical bodies is preferred by the candidate for a qualification.

2. By diploma from some legally incorporated medical school *of the State of New York*.

3. By a diploma of some other medical school, which, however, to be valid in New York must be approved by some college *in that State*. The school from which such approval is requested has the right to require the possessor of the diploma to submit to such further examination as may seem necessary."

This law, if enforced, seems to be all that can be expected or desired. The whole authority of the State is made to support its incorporated schools ; and if any of these maintains a notoriously low standard of requirement, it is liable to lose its charter. The operation of the law, its interpretation by the courts, and the struggle which will arise against its enforcement will be watched with great interest.

The laws of New Hampshire and Vermont passed in 1875 were identical in language, and were similar to the New York statute, but more stringent. They provided that all chartered medical societies must appoint boards of censors, who are empowered "to examine and license practitioners of medicine, surgery, and midwifery." Physicians holding diplomas were to receive licenses without examination ; but this provision was carefully guarded, and afterward (N. H. 1879) made more stringent, as follows :—

"The board shall issue licenses without examination to all persons who furnish evidence by diploma from some medical school authorized to confer degrees in medicine and surgery, when said board is satisfied that the person presenting such diploma has obtained it after pursuing some prescribed course of study, and upon due examination. Said board shall also have power, upon due notice and hearing, to revoke any license granted by said board, when improperly obtained, or when the holder has, by conviction for crime, or any other cause, ceased to be worthy of public confidence."

This certainly obviates any difficulty about bogus diplomas, and gives sweeping powers to the medical societies, which in all their three divisions have been careful to test thoroughly the qualifications

of their licentiates. This part of the law has worked well, and there is some hope that the three societies will be able to combine their examinations in such a manner as to furnish one standard of attainment for all the profession in New Hampshire.

By the amended law, dentists are similarly brought under the regulation of the New Hampshire dental society ; and moreover a "commission of pharmacy and practical chemistry" is established, to examine apothecaries and to license such as are found fit. No unlicensed person can hereafter keep a druggist's store or put up physicians' prescriptions in New Hampshire.

There are of course provisions for registering all licenses, for issuing licenses to physicians, not graduates, who have been in continuous practice for a certain time (five years), and for permitting consultations with physicians of other States.

The effect of these laws has been excellent. The licensing boards have wisely decided to look to the future rather than to the past, and to devote their energies to preventing charlatans from travelling about to practise, or from settling, in the State. In this they have been completely successful, removing a crying evil. This is perhaps all that it is judicious to attempt, because public opinion is opposed to retro-active measures, and will tolerate very little interference with practitioners already established, even if for less than the five years required by the law.

There is some disparagement of the law and its effects from persons who always expect impossibilities, or who value any such law as a means not only of "stamping out quackery, but chiefly of putting down homœopathy," and who will never be pleased with any law "recognizing" the latter institution. The public, however, is benefited, great good and no harm has been done, and convictions have been obtained under the law. It has become unnecessary, as a rule, to prosecute offenders ; for a simple notification is sufficient to cause quacks to pack their carpet-bags and hastily retreat to their particular paradise, — Massachusetts. There settling in the border towns, they send their handbills over the State-line, but take good care not to enter New Hampshire personally.

In 1876 the legislature of California enacted a statute similar to the New Hampshire law, but modified in some important particulars. The boards of censors were to be appointed by the three State medical societies, and by these alone. Licenses could be refused or revoked for "unprofessional conduct," thus giving the boards far greater authority than the first New Hampshire law gave them, although not such sweeping powers as are granted by the amended New Hampshire statute of 1879. The question of Spiritualists, clairvoyants, magnetic healers, *et id genus omne*, was reached by an ingenious



provision, afterward copied in the Illinois law. These practitioners were induced to leave the State, although not compelled to do so, by this clause:—

“Any itinerant vendor of any drug, nostrum, ointment, or appliance of any kind intended for the treatment of disease or injury, or who shall by writing or printing, or any other method, publicly profess to cure or treat diseases, injury, or deformity by any drug, nostrum, manipulation or other expedient, shall pay a license of \$100 a month, to be collected in the usual way.”

By this means the horde of swindlers and sharpers who falsely claim wonderful powers is forced to seek more favorable fields, more full of faith and sympathy, and free from harassing legislation (several have gone to Boston!); at the same time the people of California and Illinois are not likely to be deprived of the valuable services of any real miracle-workers by the paltry tax of \$1200 a year.

A spirited suit was brought into the supreme court of California touching the constitutionality of the law, which was settled by the following decision:—

“We shall assume that the State, in the exercise of the police power, may provide for boards authorized to examine persons seeking to be admitted to practise medicine, to be appointed by any citizen or citizens named.”<sup>1</sup>

The law of 1876 was amended and strengthened in 1878, and is said to have operated well. Meanwhile the State of Illinois passed a law in 1877, copied for the most part from the California law, but with an important and radical modification. Influenced by the success of the Ontario law (1874), the legislature provided that the duties of a medical examining and licensing board should be performed by a State board of health, consisting of five physicians and two members not physicians. Of the physicians three were “regulars,” one was homœopathic, and one was eclectic. Contrary to the expectations of many the board never quarrelled, but acted harmoniously, judiciously, and firmly. In their report to the governor (1879), it is stated that,—

“Where the candidates had any special or peculiar views of the theory and practice of medicine or of therapeutics, respect was paid to such differences of opinion, and they were allowed upon request to appear before individual members of the board for especial examination in such branches.

“Suits have been brought in various portions of the State, resulting in a number of convictions, and establishing the constitutionality of the law; and in other cases they were dismissed upon promise of leaving the State or quitting practice.

“As nearly as can be ascertained, about thirty-six hundred non-graduates were practising medicine in the State, when the Medical Practice Act went into operation. Of these about fourteen hundred have since left the State or quitted practice.”

<sup>1</sup> Ex parte Fraser, Hab. Corp. No. 10361.

Nearly all the others were able to get licenses, either by duration of practice, by examination, or by entering medical schools. The report continues :—

“As nearly as can be ascertained, about four hundred diplomas were held in this State by parties who had either bought them directly or obtained them upon a nominal examination. Agencies of these diploma-shops were found in different parts of the State, and for a time the sale of diplomas was pressed with considerable vigor, under the impression that the board would recognize them because they were issued by legally-chartered institutions. Parties that we can name have such diplomas, with grand gold medals of honor for distinguished attainments in medical knowledge, — both diplomas and medals having been obtained by direct purchase. The diplomas of nine colleges have not been recognized, owing to the fact that the board had positive knowledge that they sold their diplomas.”

The board has moreover enforced the necessity for better instruction and more stringent examination in many medical schools, by threatening to ignore their diplomas. The provision for the revocation of licenses for “unprofessional or dishonorable conduct” has been enforced in a number of instances, the board having had the wisdom to punish only actions plainly immoral or dishonorable, and not mere infractions of professional courtesy or etiquette. Great complaint has come from the neighboring States, which received a large proportion of the fourteen hundred who “left their country for their country’s good ;” and laws have been introduced, although as yet unsuccessfully, in the legislatures of Michigan and Iowa, as well as for similar reasons in Massachusetts and Connecticut, since the last two States are suffering from the operation of the Canadian, Vermont, and New Hampshire laws.

Want of space forbids an analysis of the new laws of Pennsylvania and Alabama. They are both framed on the general plan of existing American laws, avoiding the same difficulties in a similar manner ; and they are said to be successfully attacking the great evil against which they are directed, although it is too early to form a definite opinion of their merits as compared with other statutes. The medical act of Texas, however, differs radically from all other American State laws, in that it utterly ignores all diplomas, and requires all candidates for licenses to be examined by State examining boards. These are appointed by the district courts, the vast area of Texas making it necessary to have several boards. No question is raised concerning schools or theories of practice or peculiar views of therapeutics, as all such distinctions are excluded from legislation by a clause of the constitution of Texas. The Continental system of a State examination is thus introduced, it is said, with excellent results ; and it is the opinion of those best acquainted with the operation of the medical acts of the other States, that this system offers the best solution of the difficult problems arising from the various divisions of



the medical profession, and the unlimited multiplication of poorly equipped but legal medical schools.

Last winter a committee of the health department of the American Social-Science Association, appointed for the purpose, prepared a draft of a medical act, which was presented by the Association to the legislature of Massachusetts. The committee in preparing the bill examined the existing laws on the subject, and entered on a wide correspondence with those in a position to know the effect of these laws and in what respects they are faulty. The greatest interest and courtesy were shown on all sides, and the committee were especially indebted to the United States commissioner of education, and to the examining boards of Quebec, Illinois, New Hampshire, and Texas for explanations and suggestions. Great efforts were made to find some common ground on which the different medical societies could meet as parts of one profession; and from assurances received it was hoped that this result had been obtained, and in fact the leaders of the three State medical societies united in supporting the bill before a legislative committee.

Probably in no State are there such difficulties in the way of medical legislation as in Massachusetts. In the first place, there is now no such law; so that the question is open whether the State shall interfere at all in the regulation of medical practice. Secondly, the strife between the medical societies has been peculiarly long, violent, and bitter, and old animosities and prejudices have become a part of the mental constitution of many prominent individuals. Moreover, nowhere is the spiritualistic and clairvoyant-magnetic interest so numerous, well organized, and powerful as it is in Massachusetts. These three causes were sufficient to defeat the bill; which, nevertheless, was useful in various ways as a means of discovering just what obstacles are to be encountered, and what the state of public opinion is at present. None of the existing laws were passed without strenuous exertion and after violent resistance, while they all have faults or defects to which the examining boards are keenly alive, but without which the laws could never have made their way through the legislatures which enacted them.

The bill proposed by the Association, although defeated in the Massachusetts Legislature, remains as the result of a wide interchange of opinion and varied and valuable suggestions by experts. It may influence future attempts at legislation; and for this reason I may be permitted to state briefly the principles on which it was constructed, which should be embodied in any act so far as possible.

There should be one examining board, comprising representatives of the three medical societies,—under favorable circumstances, of dentistry and pharmacy also. All candidates for license ought to be

examined directly by the board. The subject of therapeutics might be totally omitted from such examinations for the sake of harmony; or, as in Illinois, persons holding "special or peculiar views" might be allowed, on request, to appear before individual members of the board for examination on such subjects. If diplomas must be received as evidence of qualification for licenses, the board should have full authority to "go behind the returns," and to reject any diploma when not "satisfied that the person presenting such diploma has obtained it after pursuing some prescribed course of study, and *upon due examination*." The board should have authority to refuse and revoke licenses. A register of licentiates should be published annually. There should be provisions for licensing practitioners in other States living near the border; for permitting physicians to be called into the State in particular cases; for permitting such practice, under supervision, as is necessary for the education of students; for excepting United States medical officers, the medical officers of ships, and persons giving gratuitous medical advice in cases of emergency. The question of clairvoyant and magnetic physicians must be met in some way. The burden of prosecuting offenders under the law should rest on the legal officers of the State; not on the medical societies.

In every State there are local circumstances which will make it necessary to vary from this outline, and whenever a bill is introduced in a legislature it is liable to be spoiled by "amendments." Nevertheless it is important to discover by comparison and discussion the advantages and defects of existing laws, to determine the ends to be desired, and to learn the obstacles to be surmounted. By this means it may be hoped that in time, through the enlightenment of public opinion, and with the subsidence of professional animosities, a medical act may be evolved which shall be really efficient in restraining the wicked cupidity of charlatans, shall mend matters by dissociating ignorance and its penalties, and shall prove of public utility by really elevating and regulating the practice of medicine.

ERNEST W. CUSHING, M.D.



## SCHURZ'S ADMINISTRATION OF THE INTERIOR DEPARTMENT.

WHATEVER else may be said of the administration of Mr. Hayes, it has given the country an opportunity to see a student of politics in an executive office, — an opportunity which was apparently needed to convince many people, perhaps the larger portion of the voters of the country, that such a man along with his theories and his learning can be the possessor of administrative ability. When Mr. Schurz assumed the duties of Secretary of the Interior, there was a common feeling throughout the country that he would not make a success as a man of affairs. There was no opposition to him, however, except by some politicians whom he had displeased by his courage and independence while in the Senate. On the whole, the country was glad that Mr. Schurz was to be a member of the cabinet. It was felt, especially by the independent voters, that his influence would be in the right direction, — in favor of decent methods of administration, and of a healthier tone in the public service. Business men realized that his appointment meant that they were to have not only one more friend in the cabinet, but a well-equipped and influential friend. Those who had faith in the promised "Southern Policy" of Mr. Hayes recognized in Mr. Schurz a consistent and intelligent advocate of civil liberty. Still, while his appointment was popular, it was not expected that he would be so good a Secretary of the Interior as Mr. Chandler had been. He was supposed to lack his predecessor's business experience and executive ability. His appointment was liked because it was believed that he would add strength to the administration generally; not that he would attend very well, or even very carefully, to the details of the work of his department. This, however, did not trouble the public. The people were content to have him in the cabinet whether he had business qualities or not. There had come, too, to be a well-nigh universal belief that Mr. Chandler had succeeded in thoroughly reforming his department, and in putting it on a business footing; and it was understood that the Interior Department had grown to that happy condition where it could "take care of itself."

The politicians who were opposed to Mr. Schurz tried to take advantage of this belief in his lack of business ability to prevent his confirmation. While his nomination was pending, the following dispatch was sent from Washington to a leading Republican newspaper of the West: —

"His [Mr. Schurz's] confirmation will also be opposed by some Republicans from a dispassionate belief that he does not possess business experience and administrative ability enough for the proper discharge of the multifarious duties of the Secretary of the Interior."

If this dispatch was sent to the country for the purpose of getting a response unfavorable to Mr. Schurz, it was a failure. The people were inclined to believe it to be true that Mr. Schurz did lack business experience and administrative ability; but they did not care. Mr. Schurz shared in the common belief in the excellence of Mr. Chandler's administration. On taking charge of his office, he expressed a hope of being able to achieve a reputation for practical efficiency not inferior to that of his able predecessor, who was acknowledged by all to have served the country honestly and, as cabinet service went, efficiently. Mr. Chandler, indeed, was the best of the secretaries who made politics their principal business. He was wont to boast that he remained at his office every day from ten in the morning until four in the afternoon. His successor, with a quicker and a better-trained mind, and much more power of application, found it necessary, in order that he might thoroughly understand his duties, to be daily at his office from nine in the morning until five or six in the evening, and often to work until late at night. Since Mr. Schurz found that a proper discharge of his duties involved so much work, it may be inferred how much Mr. Chandler really knew of the department of which he was the head. When he heard of an abuse he put an end to it; when he found a rascal in office he dismissed him. This was so much more than any of his predecessors, except Mr. Cox, had done, that he was regarded as a prodigy of executive vigor and ability. In view of his really high merits, and of the public opinion concerning him, he had a right to congratulate himself on the efficiency of his administration. When he surrendered the office to his successor he said, according to the Associated Press report, "that he had found many abuses, especially in the Indian and Patent Bureaus, of such nature as to require heroic treatment. This he had applied, using the knife freely and doing some sharp cutting. The result was that abuses complained of had ceased. . . . He believed that he left the department in better condition than he found it. If any wrongs remained, he had no knowledge of them." Mr. Chandler spoke the simple truth when he said that he left the department better than he found it. He left it much better by the dismissal of a number of dishonest officials. But wrongs and bad and feeble men did remain; and that he had no knowledge of them was due to the fact that he had not mastered all the details of his office, nor acquired a knowledge of the character and capacity of his subordinates. To do that so thoroughly that no wrongs could long exist without the knowledge of



the Secretary of the Interior was left to his successor. There was no basis for the belief that Mr. Chandler had left an easy place for the secretary who followed him. In the first place, the Interior Department can never be an easy place for a conscientious officer. In the second place, the surface only had been scratched; the real work of purification and reform remained to be done. The Interior Department is a very laborious office, involving probably more work and care than any other under our Government. Under the charge of this department are the Indian service, with its army of officers, its quarter of a million Indians, and its millions of acres of reservations, which often stand as menacing obstacles to approaching civilization, and become the fruitful breeders of savage massacres and frontier wars; the public lands, with all the varied interests affected by the Government's dealings with reference to them; the hundreds of thousands of pensioners; the patent bureau, reaching out everywhere and touching almost all business relations; all the details of the business of the Government with the land-grant railroads; the census; the geological and geographical surveys; the charitable institutions at the capital; some of the public grounds and the public parks. In this department are constantly arising questions of law which affect the interests of citizens of all parts of the country. The legal work alone is so great that it keeps constantly and busily employed an assistant attorney-general and four or five other lawyers. Farmers, graziers, miners, lumbermen, townships, almost every merchant and manufacturer in the country; all the old soldiers of the country; all who live on or who come in contact with the frontier; all who are interested in the Pacific railways; all who patent inventions, the teachers of the country,—all these feel more or less directly the influence of this great and overgrown department.

The old clerks of the department have often told me how astonished they were at the prodigious amount of labor performed by the new secretary in mastering the work before him. He made a thorough study of its details. In order to accomplish the mastery of the business he had been appointed to attend to, he worked early and late. No Secretary of the Interior before him had ever thought of doing that. They were, for the most part, content to be "statesmen." The work was left to clerks and bureau chiefs. The head of the department was in office to advise the President on questions of State. So far as the Indian service was concerned, it was a perfectly well understood theory in the office that the secretary should know as little as possible of what was going on. The consequence was, as may be surmised, that when the department came under the charge of Mr. Schurz, it was by no means in a good condition. The new secretary began his administration of Indian affairs by ordering a thorough investigation of the

service. That investigation revealed a most deplorable state of affairs. Mr. Chandler, it must be recollected, was the best of those who had been made secretaries of the Interior because they were politicians, and who went into the cabinet only to be more efficient politicians. The abuses revealed by the investigation existed under his administration. It is fair to conclude, then, that if looseness existed in the management of Indian affairs under Mr. Chandler without his knowledge, the condition of things under his predecessors must have been scandalous.

The report of the board of inquiry, which is abundantly sustained by the evidence, shows that the Indian Bureau was entirely irresponsible. It was under no supervision. Not only had the secretaries of the Interior been ignorant of what was done or neglected to be done, but even the commissioner of Indian affairs was uninformed, and, what was worse, seemed to be careless as to whether his subordinates were faithful and efficient, or whether they robbed the Government and cheated the Indians. Documents important to the peace of the country were concealed from the head of the department. The subordinates knew everything connected with the bureau, and the secretary knew next to nothing. He was compelled to take their word for everything, and was often deceived. The Indian service was in a deplorable condition. The agents made their own rules, and to a great extent governed themselves in their relations both with the Indians and the Government. Much of their business with the office was transacted by means of unofficial correspondence with subordinates. Files were loosely kept; valuable papers were easily lost or stolen without leaving any clue for the detection of the guilty. Attorneys of bad character were given extraordinary privileges. The testimony taken before the board of inquiry disclosed the fact that the bureau was full of inefficient men, and of weak men who yielded easily to temptation. One case will sufficiently illustrate with what naïveté some of the clerks regarded very questionable practices. The annuity clerk under Mr. Chandler had been in office twenty-one years. He was one of the inspectors of goods furnished the bureau by the New York contractors. He testified that he had received from those contractors presents of blankets, clothing, dry-goods, groceries, and money; "all this," he pathetically said, "was in the good old times when things were somewhat different from what they are now." Other clerks were found to be hopelessly ignorant. Political influence put them in office and kept them there. The law was constantly violated in respect to the approval of bonds, and in many other respects. No encouragement was given by the superior officers of the bureau to subordinates who were capable of making improvements in the service. Records which were the only check on the contractors were in the



hands of the contractors themselves. In short, as the board of inquiry found, the force of the bureau throughout was demoralized; and yet, notwithstanding all, the gentleman who was then Indian Commissioner was unable to find a custom which could be termed an abuse!

Carelessness, ignorance, and worse prevailed in the New York as well as in the Washington office; and the inspection of goods, on the proper quantities and qualities of which depended so much the peace of the frontier, was conducted in a manner which gave the contractors every opportunity to swindle the Government, the advice of the Indian Commissioner being almost entirely disregarded. The business methods prevailing at the agencies were of the loosest possible description. Accounts were rendered or not about as it pleased the agent. It is safe to say that under the old lack of system almost any dishonest agent could constantly cheat the Government for an indefinite period. Most of the purchases for the agencies were made in "open market," the Indian office having no means of supervising or regulating them. By means of collusion with the agents, contractors were enabled to furnish short-weight flour and cattle. The blank forms for receipts and vouchers, which the agents filled up and sent the bursar, were so defective as to be really invitations to commit fraud. There was no inspection of the agencies worthy the name. The inspectors were under the direction of the bureau, and when an agency was to be visited the agent had information in advance, so that he might prepare for it. The Secretary of the Interior is supposed to supervise the Indian office. Under Mr. Schurz's predecessors there was no way for the secretary to obtain information except from the officers of the bureau themselves. This left the bureau wholly irresponsible.

The board of inquiry found that a most disgraceful state of things existed at the agencies in the relations of the agents to the Indians and the traders. The Indians were systematically cheated. They were deprived of the fruits of their labor by the cunning devices of agents and traders. The results had often been bad Indians and Indian wars. A system obtained of giving brass checks or tokens to the Indians instead of money, in payment for their labor and products. These tokens were current nowhere but at the store of the particular trader who issued them,—the store of the agency where the payment was made. Thus the Indian receiving the checks was obliged to make his purchases from the trader issuing them, and he was charged enormously for what he bought. There grew to be such a difference between the value of money itself and of checks pretending to represent money, that Indians were in the habit of demanding cash or more than double the amount in checks, so large a margin of profit did the

check system give the trader. This is but an illustration of the manner in which the agents constantly broke faith with the Indians.

The result of the investigation was the cleansing of the Indian office by the dismissal of all whose inefficiency or weakness had had such a bad effect on the service. Strangely enough, many of the newspapers protested against this as an act of injustice to deserving men. The same newspapers, however, will probably now admit that the result of the investigation justified the secretary. This is certainly true of all who have taken the trouble carefully to examine the report of the board of inquiry and the evidence on which it was based. The office having been reinforced with new and better men, the work of improving the details of its business was undertaken. What has been accomplished is a complete answer to any who may still retain the belief that Mr. Schurz is not a competent administrative officer. The increased efficiency of the office is due to him. The employés of the various divisions realized that merit was to be the test, and did all in their power to demonstrate their own efficiency by doing better work, and by cheerfully giving the secretary the benefit of the experience they had gained by observation of the evils of the then existing system. The rules of a reformed civil service were applied, and the Government at once gained some advantage from them, in the zeal with which the secretary was assisted in changing the loose methods that formerly obtained for a business-like mode of transacting matters.

For the first time in the history of the Indian Bureau a code of regulations for the guidance of agents was adopted. Under those regulations, the department gained a direct supervision over the agencies. "Open market" purchases are now, probably, as nearly done away with as they can ever be. Contractors find it difficult to cheat the Government by not carrying out their bids; they would suffer too heavy penalties, which, under Mr. Schurz's administration, have been enforced. The system of keeping accounts was thoroughly revised. At present there is as much machine-like system in this respect as there is in the office of a private corporation. All bids are thoroughly revised, and all goods properly inspected. The blanks for vouchers are now so prepared that the agents can no longer use them as means for swindling the Government and the Indians. Formerly agents sent in their estimates in a loose, general statement; now they make them out in detail and by items. The result of the better methods adopted is a substantial purification of the service of the frauds which formerly prevailed. Agents' reports are now regularly made; formerly they were made irregularly, and were sometimes kept back for years. To do that now would be to incur the liability for embezzlement. All employés of the department realized that under Mr. Schurz rules were made to be obeyed, and that penalties were not merely threatened but



would be enforced. It is interesting to examine the instructions issued under the authority of the secretary. They go into the most minute details of business, and are so perfectly clear and explicit that there is, as the regulations say, "no good reason why an agent's accounts . . . should not be absolutely and perfectly correct, . . . and be capable of rapid settlement in the office and at the treasury, unless an agent be ignorant or careless, — neither of which qualities will be tolerated or excused."

By taking the corps of inspectors under his own control, Mr. Schurz obtained a very effective means of gaining that supervision over the Indian service which the law contemplates that the Secretary of the Interior shall have. Agents could no longer be forewarned of a coming inspection, by telegraph from Washington. They were taken unprepared, and the condition of the agencies was reported to the department as it appeared ordinarily, and not as it appeared when arranged for dress-parade. This change was the means of discovering the only gross corruption in the service which came to light during the four years of Mr. Schurz's term of office; and the secretary's method of dealing with the derelict official, one of the most efficient heads the Indian bureau ever had, was not only a striking contrast to the "stand by those who are under fire" principle, but an excellent example of the healthy manner in which the whole department was managed. Dismissal instantly followed detection.

Under the new regulations the swindling of the Indians by agents and traders became largely a thing of the past. So close a surveillance did the Washington office exercise over the agents that cheating was next to impossible. So free has the service been from the old-time frauds that, for once, the army officers stationed on the frontier had last year nothing to say in their annual reports against the agents. The goods and money appropriated for the Indians have been delivered to them, if the absence of complaint of the contrary indicates anything. The Indian traders, also, have been held in check by the adoption of the system of licensing them, and compelling them to give bonds in \$10,000 each that they will faithfully observe all the laws and regulations made for the government of trade and intercourse with the Indian tribes. The old evil of paying the Indians in tokens has been done away. The trader or agent must now pay cash for an Indian's property or labor, and the prices charged the Indian for what he purchases are controlled by the Indian office. All these are matters of the dry detail of business. They are given to show that Mr. Schurz has been successful, merely as a business man, in the management of his department.

He did, however, a much greater work than this in improving the relations of the Government with the Indians as a people. In this

respect his work was eminently that of statesmanship; for in four years he gave the Indians a better start towards civilization than they had ever had before, and he has clearly pointed out the way for the final and satisfactory solution of the Indian problem. He was the first Secretary of the Interior who dealt with the Indian question in the scientific spirit. For the first time the country has seen an Indian policy persistently applied since its adoption. For the first time there has been a rational method in the Government's relations with the Indians. The Indians recognize this more keenly than we do. They appreciate that at last an effort is really making for their civilization. To-day, the Government has the confidence of Indians who four years ago were threatening one of the most disastrous Indian wars the country had ever known; and that confidence is due to the fact that, during the four years, those Indians felt that the administration of their affairs was in friendly hands; that all the pressure imposed upon them by the Government was a friendly pressure imposed for their good; and that all the restraints they have felt have been placed upon them that they might, as they would express it, grow to be more like the white man. Mr. Schurz's policy was the result of careful and thorough investigation. It is probable that very few white men, perhaps none, have ever understood the Indians so well as Mr. Schurz has understood them, — their wants and capacities, — during the last years of his term. He visited them on their reservations, met them in Washington, entered sympathetically into their wrongs and grievances, studied their character, and finally came, as he has himself said, to conceive for them the hearty sympathy of a personal friend. Yet he looked the facts squarely in the face. He did not permit his sympathy for them to overcome his judgment. He recognized their limitations, and was not led into the unfortunate mistakes so often made by unreasoning philanthropy. Unfortunately it is a fact that there are two opinions concerning the Indian, and that both are in a measure wrong. The one most friendly to him is based on insufficient information; the other is the opinion of those who come most closely in contact with him, and who suffer most by his wars and depredations. The one is the opinion of eastern philanthropy; the other of the frontier. The one wishes to impose upon the Indian at once the rights and duties of citizenship; the other insists that he shall be put under the charge of the army, and forcibly kept in order until his race shall have died out.

Under Mr. Schurz's administration the Indian was treated as he was found to be, — a barbarian, unschooled in the ways of civilization, earning what he did by the chase, not yet prepared for the pursuits of agriculture, an enemy of the whites because they wronged him and did not respect his attachments to his home and to his lands. Four



years ago the Indian could not go alone ; to-day he is still weak, but a single administration has done wonders in the way of strengthening him. To adopt the view of the eastern philanthropist, however, would be the refinement of cruelty. It would mean extermination much more than would the adoption of the idea of the frontier.

Four years ago the frontier theory had a much stronger hold on the whites who are neighbors of the Indians than it has to-day. It exists, however, and undoubtedly will exist, until the Indians cease to be separate and distinct peoples, and become merged in the population of the country. Those who hold it desire to get the Indians out of the way as quickly as possible, and look upon all rights of property or person bestowed upon them as simply tending to make permanent a grievous obstacle to civilization. The frontier theory has, however, received a severe blow in the overwhelming defeat which has overtaken the movement to transfer the charge of Indian affairs to the army ; for such a transfer is necessary to the proper and successful working out of that theory. Recent investigations have clearly shown that all the abuses of which complaint was so long made existed as well under the management of the war department prior to 1842, as under the worst civil administration since that time. Moreover it is the testimony of almost all army officers that, while they believe that the frontier is right in desiring to guard peaceable Indians with soldiers, they would undertake the duty unwillingly, believing it to be demoralizing to the army. They look upon the Indian very much as the frontier does, and are rather inclined to the belief that "the best Indian is a dead Indian." They would not, of course, put this belief into deliberate execution ; but the Indians would certainly never make much progress under the charge of those who think they are to be merely tolerated until men and nature remove them from the pathway of the whites.

Mr. Schurz's administration of Indian affairs, however, has probably determined that the Indians are to remain under the care of the civil branch of the Government until they lose their identity as a separate people and become part of the civilized citizens of the country. The advocates of a transfer are left without arguments, for the evils they protest against have all been remedied. Those who still persist in urging the transfer must certainly be ignorant of the changes and reforms which have been made by the civil administration, — reforms which the war department might once have made, had it not neglected its opportunity.

Under Mr. Schurz's administration the Indian was recognized as capable and desirous of civilization, and as needing both the aid and restraint of Government to develop his capabilities. He has had the aid he needed, and the result is that a very important beginning has

been made in preparing him to take care of himself, and successfully to compete, under the obligations of civilization, with his white neighbors in the race of existence. It has been the aim of the Government to make the Indians worthy to be admitted to citizenship; to develop the individual Indian at the expense of the tribal system. The mere statement indicates how great is the task, and yet Mr. Schurz was so successful that the opinion of the frontier is gradually changing; so that it is a fact that the head of Indian affairs, who has done most for the material well-being of the Indian and for his advancement in the art of living, finds his defenders in the far west, and his detractors, not numerous but bitter, in the far east. Mr. Schurz's Indian policy improved year after year. It is not a perfect policy, of course; but it is as perfect as four years' experience, earnest study, and honest intention could make it. It is better now than it was a year ago, and infinitely better than it was four years ago. Mistakes were made, but they were frankly admitted, and were remedied as soon as they were discovered.

Those who are at all interested in our Indian problem would find much pleasure and instruction in the book of regulations governing the relations of officials with the Indians. The prominent fact in the policy of the late administration is that it dignifies the individual. Supplies and annuities for instance are distributed to the heads of families instead of, as formerly, to chiefs and head men. An Indian police has been established, so that the Indians now see the authority of the Government executed among them by their own people. Law takes the place of the will of the chiefs, and the influence of the chiefs has been greatly diminished. A persistent effort was made by Mr. Schurz to supplant the ownership of land in common by the tribe, with the ownership of land in fee by the individual. This would not only encourage the Indians to improve the lands because of the permanency of their title, but the sale of unoccupied lands of reservations would create a fund for the Indians which would greatly relieve the Government of the expense of their maintenance. More than all, it would break up tribes. Something has been accomplished in this direction under Indian treaties; but Congress has thus far failed to pass the general law which is needed, and under which all reservations might be cut up into individual holdings.

Under Mr. Schurz the Indians were to a considerable extent induced to give up hunting and apply themselves to systematic labor. The new regulations made it incumbent on the agents to encourage the Indians to work; and their work was paid for, while for refusal to work an Indian was cut off from the luxuries of his ration. Agents understood that their administrations were looked upon as successful or unsuccessful as they succeeded or failed in inducing the Indians to



work. They were directed to find work for them, and not to employ white labor when Indian labor would suffice. Efforts were made to abandon the agency farms, and to induce Indians to cultivate small patches or farms of their own. One of the rules of the service says:—

“A well-ordered agency farm and establishment is far less creditable to an agent than a large number of comparatively unprofitable Indian farms, which will awaken in their Indian owners a sense of proprietorship, and will serve as beginnings in the direction of self-support.”

Indians were taught to do their own freighting, and were put in the way of earning their own horses and carts. There are now nearly two thousand Indian freighting-wagons running, and all the work of this kind at many of the agencies is done by Indians. The results of Mr. Schurz's efforts in this direction have been very important. In the four years of his administration the agricultural products raised by Indians have about doubled, while their activity in other branches of industry has greatly increased.

Indian education also made marked progress during these four years. In the first place it became what it should be,—a scientific system. Indians were educated in the language and arts of civilization. Day schools were, so far as possible, replaced by boarding schools. The Indian children were thus removed from the influences of barbarism. The hostility of the chiefs to education was overcome. This work was greatly hampered by the lack of sufficient appropriations; but the number of pupils at Hampton greatly increased, and the interesting experiments at Carlisle and Forest Grove have been so successful as to be experiments no longer. What has been accomplished by these schools demonstrates “the capacity of the Indian for civilized pursuits.” The Indian young man or young woman having been educated, not only in elementary learning but in useful trades, now finds at home sympathy and opportunity to apply the knowledge acquired at the schools. The progress of the tribes in civilized pursuits has created a demand for skilled labor.

When the progress made by the Indians during four years is considered, it is useless to predict what are the limitations of their possibilities. It is certain that those who know most about the Indians would be the very last to declare what these limitations are.

Mr. Schurz so worked out the problem which faced him at the beginning of his administration, that he has demonstrated to the country that in a comparatively short time there ought to be no Indian question to settle, and no Indian difficulty to overcome. Four years ago Sitting Bull had fled to Canada; the Sioux who remained in this country were ready to undertake what would have

been one of the most disastrous Indian wars the frontier had ever known ; the Nez Percés, stirred up by bad whites, were on the war-path. A year later the Sioux were becoming peaceful ; an outbreak had occurred among the Bannocks, but it was owing to the fact that Congress had not made an appropriation sufficient to supply them with necessary food ; and a few restless Cheyennes were guilty of murders and other atrocities. Another year went by, and the Ute outbreak and the depredations of Victoria, then just beginning, were all the Indian hostilities which the secretary had to report. In the last year of the four the guerilla warfare carried on by the marauding Apaches under Victoria was the only disturbance to be spoken of ; and that is ended. The Utes are helping to work out the interesting problem of Indian civilization ; for if the whites of Colorado keep their hands off, the country will see a tribe, which owing to the plentiful supply of game on its reservation was one of the most difficult to persuade into peaceful pursuits, breaking up the tribal relations and settling down into a community of farmers, each family owning its land. The Sioux are already partially civilized. Instead of living by the chase, they are farmers, freighters, and stock-raisers.

This is a speedy and a worthy triumph. All over the western country, on the plains as well as on the Indian territory, may be seen the fruits of a rational policy and of honest dealings with the Indians. Wigwams are giving place to houses ; the Indian children are beginning to be educated ; the farm and the workshop are taking the place of the " hunting grounds ; " property in lands and cattle and money is coming to be preferred to scalps. The war-paint and feathers and blankets are giving place to the clothes of civilization and labor ; the Indian is beginning to deserve the blessings which are due to every man who makes two blades of grass grow where one grew before. There is peace throughout the country, for the Indians have reason at last to believe in the good faith of the Government.

No worthier tribute could be paid to Mr. Schurz for what he has accomplished for the Indian than that which not long ago came spontaneously from a band of the so recently hostile Sioux, when, on the ground of his being their friend, they expressed their regret that he was to leave his office ; and urged him always to believe that their desire would be to do as they knew he would have them, asking him not to accept evil stories of them until he had heard their defence. Equally significant was a speech made by a member of another band of the tribe, in which he thanked the secretary because his friendship for himself and his fellow-Indians had so elevated them in the scale of humanity that now one can tell what kind of man an Indian is by the character of the house in which he lives.

The Indian service received more of Mr. Schurz's attention than



the other bureaus of his department because it needed more. This work required something more than business qualities, which were sufficient for the demands of the land office and the pension and patent bureaus. The same careful and thorough business management, however, obtained in all the bureaus. There is not one in which the system of keeping accounts and records, and of transacting the public business, was not improved by Mr. Schurz's directions and largely under his supervision.

One of the secretary's earliest difficulties was with the timber thieves. Until he went into office the law against depredations on Government timber-lands had been so little enforced, that a public sentiment had grown up that it was not a very bad thing to denude the public forests, however much damage might result from floods and storms, or however bad the effect might be on the surrounding country by reason of the diminution of the water supply. The thieves were often wealthy mill-owners or railway corporations, and the stealing was perpetrated as part of their business enterprises. Mr. Schurz insisted on enforcing the law, and some of the politicians protested. At first they said the movement was oppressive to the poor, who took the wood for household purposes; then, that it interfered with trade. The secretary was persistent, however, and prosecutions were instituted in every case reported by the agents, the parties to which could be apprehended. The result was that during the four years of his administration there was recovered and paid into the Treasury, for timber depredations, \$242,376. The amount for which judgments were rendered, but which could not be collected, was about as much more; while during the twenty-two preceding years the amount paid in was \$248,795. But better than the recovery of money has been the saving of forests, which of late years have been disappearing with alarming rapidity.

Mr. Schurz suggested the formation of a Public-Lands Commission, which has codified all the public-land laws of the country, prepared a history of our land system, and compiled the State laws relating to public lands, besides making valuable suggestions for future legislation. In the same law establishing the commission is a provision creating the geological survey, which is under the charge of Mr. Clarence King. This survey has already accomplished very valuable results, and if it can take under its charge all that is desired both by Mr. Schurz and Mr. King its work will be invaluable. It will then give thorough and accurate information, in the form of maps and reports, concerning the resources of the public lands and the status of mining industry throughout the country, including the methods employed in the mines and the "sources, amounts, and valuation of the various productions."

Mr. Schurz was the first to demonstrate the ability of the Pacific railway companies to establish a sinking fund for the payment of their indebtedness to the Government. He did this in his first annual report. Following the report was the Thurman Act. Mr. Schurz recommended also the establishment of the Bureau of Railway Accounts, through which the relations of the Government with the roads have been made much more satisfactory than they ever were before.

The work of the Pension office was so simplified and perfected that, notwithstanding its great increase, it is as easily and as quickly done as it can ever be until Congress shall grant the relief which Mr. Schurz asked for so often, and create local examiners to protect the Government from frauds and meritorious applicants from what is now necessary delay. One of the first orders issued by the new secretary was to cut down the number of pension agencies from fifty-eight to eighteen. That order took just so many offices out of politics. A good deal of patronage was destroyed, but the service was benefited, and there was an annual saving in the salary account alone of \$142,000.

All this and more has been accomplished by a student of politics; and it is important, for the cause of good government, that the record should be made public in order that those who vote may realize not only that such a man may make an efficient executive officer, but that the presumption is that he will make a better officer than the man who devotes himself to pursuits which for convenience may be called caucus politics.

The results of Mr. Schurz's administration are of almost inestimable value to the country. The saving in money has not been great; but the improvement in the moral tone and efficiency of a service which had long been a reproach is very important; while of by far the greatest importance is the fact that his administration demonstrated that what has long been denounced as a "mere theory" which can have no place in the policy of this country, — the application of business methods to the business of government, that reform of the civil service for which the best and most thoughtful men of the country have been so long contending, — is not a "mere theory," but something without which the carrying on of public affairs can never become practical. The country has been given an opportunity to study a civil-service reformer as an executive officer. It has seen him reaching practical results for the attainment of which his predecessors made no effort. He has left his department in better condition than it was ever in before; he has adopted methods for transacting the public business more perfect than were ever dreamed of by any business man who ever filled the office. More than all, he has



shown that the principles which obtain in the civil service of the best governed countries of Europe are better for our own service than anything ever devised by the politicians. Mr. Schurz applied to his department what are well known to be his civil-service reform theories. He failed only where political committees, which exist and thrive because of the absence of a general reform, invaded the department, or where he was compelled to call on his own assistants to do work which should have been done by a general commission appointed for the purpose of conducting examinations and adopting regulations.

When Mr. Schurz entered upon the duties of his office, he did not bring with him a single new employé, not even a private secretary. He intended that from the first the employés of the department should realize that their retention of their places would depend not on personal or political favor, but on merit alone. On taking his office, he said to them : —

“Gentlemen, I desire to say to you that I intend to conduct this department upon business principles ; and you may be assured that I bring into my official relations with you the best possible feeling, and I hope you will serve the country as faithfully and effectually under my administration of the department as under that of my predecessor.”

He has conducted the department precisely as he said that he would. It was expected four years ago that under Mr. Hayes's administration there would be a general reform of the civil service. That expectation, however, has been disappointed. There has been no such general reform. The charge of the service in each department was given to its head. A few months before the close of his term the President is reported to have said, in answer to a question as to why no more had been accomplished, that he found that only one member of his cabinet really favored civil-service reform. The four years, however, have not gone for nothing. The single cabinet officer has shown how practical a measure that reform is. That at least is a great step forward.

The virtue of fearlessness and a clear view of what was needed have united to make great changes in the views of many who four years ago did not believe very much in any reform which would take the service out of party politics, and replace the spoils system with the merit system. Within the first six months of his term of office Mr. Schurz adopted regulations governing applications and examinations for appointment and promotion. Those regulations were strictly followed ever after. No one could be appointed to a subordinate position in any of the bureaus of the Interior Department without succeeding in a fairly-conducted competitive examination, open to all of previously ascertained good character, so far as that was possible.

Promotions were made from the clerks, and were also the results of competition, generally in open personal examinations, but in the pension office by careful examination of the amount and quality of the work done. No clerk was dismissed except for cause and after a hearing before a board of inquiry; nor was any employé shielded from properly preferred charges. Importunity for positions by applicants or their friends resulted in no advantage to those seeking employment. Probably no executive officer since the close of John Quincy Adams's administration found so much time to devote to the real business of the government as did Mr. Schurz. Secretary Cox said that the seekers after places gave him only a small fraction of the day to attend to his legitimate work: Mr. Schurz, during the latter part of his term of office, was not compelled to devote more than fifteen minutes a day to talk about appointments. This was one of the practical effects of reforming the civil service in the Interior Department. It gave the secretary time to accomplish those results in the real business of his charge which have already been described.

Another practical effect was the increased efficiency of the employés of the department. There was not a bureau chief in the department who would not say that the reform gave him better clerks, whose efficiency was increased by the contentment which resulted from the knowledge that nothing but inefficiency or dishonesty would cause their dismissal. They knew, too, that dismissal would surely follow on the discovery that they did not properly do their work; that as political or personal influence had not obtained their places, neither could these retain them. In a word, they realized that they could remain in office only as they got there,—by merit. Therefore the working efficiency of the department was greatly increased.

Mr. Schurz not only brought no one with him, but he never appointed or promoted an officer for personal or political reasons. When he left the department, all the bureau chiefs or heads of divisions or principal employés, whom he had not found in place four years ago, had been promoted for merit. There was never any favoritism; there was simply regard for the needs of the public service. Under Mr. Schurz the Department of the Interior was a business institution, and efficient work at the polls did not constitute a reason for either appointment to or promotion in its service. Of course, as has been indicated, the work of reform was crippled by the lack of co-operation from the rest of the administration, as well as from the absence of legislation.

This effort in the Interior Department was an interesting and, so far as it could go, a successful experiment; but the waves of the



spoils system dashed about it from without, and occasionally the spray broke in and did much injury to the reform which the politicians opposed and dreaded. No one was permitted to carry a political assessment paper through the department, nor to solicit subscriptions for campaign purposes. But it was permitted elsewhere, and the head of a single department could not prevent the sending of circulars and letters to the clerks under him. Letters asking assessments, and threatening loss of place if contributions were refused, were received by clerks of the Interior Department during the last Presidential campaign. Many of the clerks reasoned that while they were secure enough under Mr. Schurz his successor might be a different sort of person, who would regard a refusal to contribute as sufficient reason for dismissing them from office. Therefore they paid their assessments. The Congressional committee made what they called a "black list" of those who refused to contribute. This also had the desired effect in many cases. All this is worthy of mention, because it shows how necessary it is for a fair trial of civil-service reform that both the administration and Congress should unite in the effort. Otherwise there cannot be a thoroughly reformed civil service in a single department. The prevalence of the spoils system elsewhere, however, although it prevented a complete reform in the Interior Department, heightened the contrast, and made the advantages of a reform all the more apparent. Officers who were appointed before the late administration came into office, and who were presumably appointed for political reasons, were naturally opposed to what they considered civil-service reform vagaries. They could not help contrasting, however, the clerks obtained under the reform with those obtained under the spoils system, much to the advantage of the former; nor did they fail to come to the conclusion that the best character and most efficient service are to be attained only by some such method of appointment and promotion as that introduced into the Interior Department by Mr. Schurz.

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## SIR ALEXANDER COCKBURN.

SIR ALEXANDER COCKBURN was by nature a rhetorician, and by training a man of the world. His rhetorical powers and his social talents gave the tone and character to the part he played — and that a very distinguished part — on the stage of English public life. To trace throughout Cockburn's career the influence of what may be termed the rhetorical or dramatic disposition is a study of some interest for all those who care to analyze the genius of men who have risen above their fellows. Such a study, while it enables us to form an estimate of the defects and merits of an eminent public servant, also throws light on the peculiarities of a legal system which, unlike the systems of the Continent, makes advocacy the only road to the bench, and connects judicial distinction with success in political life. That in virtue of rhetorical gifts — among others a splendid voice — and of knowledge of the world, Cockburn should not only have risen to the bench, but have been the very type of a certain kind of high judicial character, is a fact none the less worth careful examination because it could be paralleled by not a few examples from the judicial annals of England and, unless I am mistaken, from those of the United States.

A biographer of the late Chief-Justice of England has rather in-felicitously applied to his hero the motto *faber fortunæ suæ*. In one sense, indeed, the description must be true of every man who has ever sat upon the bench, for it is the special glory of the English judicial body that no one ever occupied a place in its ranks who had not gained admission to them by marked talent and strenuous exertion. But the man to whom the description, "maker of his own fortune," really applies must be such an one as Hardwicke, as Thurlow, as Pollock, or as Cockburn's immediate predecessor at the head



of the Queen's Bench, Lord Chancellor Campbell. The success of men such as these illustrates indeed the life of the late lord chief-justice, but illustrates it only by way of contrast. Every step indeed in Cockburn's career, from his birth in 1802 to his death in 1880, stands in curious contrast with the path by which Campbell rose to eminence. Both the chief-justice and the chancellor were representative men: they each represented a noble aspect of the English bar, but they distinctly represented two different sides of the legal profession. Campbell's whole course, from the time when he went to London a raw Scotch lad, hoping to pick up a living as private tutor to the son of a city merchant, to the time when he rose to be Lord High Chancellor of England, illustrates the fact that the aristocratic government of England has always left at least free a road by which energy and talent, though without any aid from birth, could rise to the highest dignities of public life; while Cockburn's career, from his birth to his death, illustrates the equally important fact that families who in any foreign country would be deemed noble have never considered the profession of an advocate as inconsistent with the position of a gentleman. That Cockburn's life was at one period a life of struggle and difficulty is (if common rumor be trusted) likely enough; but critics, or biographers, who do not acknowledge that he started with every advantage in life which can fall to the lot of an Englishman, miss the whole point of his career. Descended from a family numbering ancestors who were already distinguished in Scotland in the fourteenth century, related immediately to a dean, an admiral, an under-secretary of state, and with the chance of succeeding (as he ultimately did succeed) to an ancient baronetcy, Cockburn belonged to the highest rank of the English gentry. Nor can his French descent by his mother's side be termed by any one who analyzes his character other than a piece of good fortune. That he thereby gained a special acquaintance with foreign languages rarely possessed by Englishmen is certain. That some at least of his special endowments — his versatility, his liveliness, his theatrical bent, and his social charm — were due to his French blood is at least a plausible conjecture. If it be urged that he lost the blessings of a regular English education, there will be found persons ready to maintain that this loss was a blessing, — which to sagacious eyes hardly appears a blessing in disguise. However this may be, a half foreign training did not substantially injure his university career. He gained at Cambridge the only kind of success to which it was at all probable he would aspire, — that is, fame as an essayist, both in Latin and in English, and the far more substantial advantage of a Fellowship at Trinity Hall. The emoluments of this place must, one would naturally suppose, have made the road to the bar — which was a steep and

arduous path enough for a man like Campbell, forced to gain a livelihood by reporting—both open and easy to a young Cambridge Fellow, who, called to the bar in 1829 (according to ordinary notions a little late in life), was certain to make the pleasures of society at least as much an object of pursuit as the study of the law.

Cockburn has been described as being, during the years which immediately preceded the political struggles culminating in the first Reform bill, one of “a sauntering, pleasure-loving *pococuranti* trio,” of which the two other members were afterward known to the world as Lord Lytton and Lord Dalling. It is a little difficult to believe that even in appearance a man so full of vivacity as the late lord chief-justice ever merited the name of a saunterer; but if it be allowed that the sketch given of the trio is as a picture correct, the very name of Bulwer suggests ideas which go a good way to explain the relation between the fashionable and the professional career of Cockburn. The time at which he became a brilliant member of London society was the era of that admiration for glorified dandyism of which “Pelham” was meant to be the apotheosis, and is in fact the caricature. The labored brilliancy of the cleverest of Bulwer’s novels has long ceased to delight even youthful readers; the tinsel has lost a good deal of its glitter. But the book is worth some study as a record of passing sentiment. Pelham is the ideal dandy. He saunters about all the best drawing-rooms of London and the most brilliant *salons* of Paris, affecting to care for nobody, and to believe in nothing. He thinks it almost too much trouble even to shine in conversation; yet the brilliant creature lets fall occasional epigrams just because he cannot help being witty. It is too much trouble for him to flirt, yet he is admired by every woman he meets. He dislikes sporting-men and their rough ways, yet he can by a mere stroke of his hand knock down a trained pugilist; and, to show that he could be a roisterer if he chose, he heads a set of drunken madcaps in a nocturnal expedition, for the purpose of wrenching knockers off the doors and levelling aged watchmen to the ground. All these light occupations, which seem the very life of the Bulwerian hero, are in reality the mere mask under which he is pleased to conceal his transcendent genius. He has acquired—Heaven knows when or how!—a stock of general information such as few persons obtain by life-long study. He can when he chooses throw himself with interest into the profoundest speculations of political or moral philosophers; and, to crown the whole, is always ready to use his aristocratic position and his incomparable talents for the service of the people,—in short, to undertake at a moment’s notice the dignified position of a high-bred statesman who condescends to guide the democracy. That a man with what Dr. Johnson calls such a “bot-



tom of common-sense" as Cockburn, was ever the complete devotee of the absurd ideal which Bulwer held up to the admiration of his contemporaries may be doubted; but one can well believe that he was influenced, as clever young men are influenced, by the notions of his set, and that if he seemed a *pococurante* and a saunterer he was mainly indulging in the affectations which he and his young friends thought to be the true sign of genius. This kind of affected "man-of-the-worldliness" is after all a sort of innocent acting, and is natural enough in a young man of a rhetorical and dramatic bent. The ideal moreover of the glorified dandy, though a poor one in most ways, had at any rate the merit that it inevitably involved the necessity for work. Nothing comes of nothing; and the mere saunterer cannot even pretend to the universal knowledge and the unrivalled versatility which must somehow be acquired by any one who is to enact the part of Pelham with success. That Cockburn wasted money and time — and, to speak plainly, things even more important than money and time — is probable; but the idea that he, or any man, ever sauntered on to fame and greatness at the English bar is incredible. In his case a few admitted facts are sufficient to prove that the legend of a rise to eminence by the mere possession of talent, combined with the accident of good fortune, is unfounded. He was called to the bar in 1829, soon had a considerable Sessions business, and before 1834 had made himself known by the publication of reports. In that year he was made a member of the Municipal Corporations Commission. He rapidly gained business, not only at Sessions, but before Parliamentary Committees, and after obtaining a lucrative practice he was appointed to one of the best posts a barrister can hold, — the Recordship of Bristol. In 1841, only twelve years after his call to the bar, he was a Queen's counsel and a leader on his circuit. The slightest knowledge of English life shows that such a career was one of rapid success. Charm of manner, cleverness, and good connections may have done and perhaps did much to facilitate Cockburn's advance to eminence; but it is utterly vain to suppose that such rapid professional progress as his was not in great part the result of hard work. He may, like many another professed man of fashion, have played when others worked, and have worked at times when others rested; but his success, we feel well assured, was, like that of every other eminent lawyer, based on labor.

A great forensic speaker belongs in general to one of two classes. He may be a verdict winner, — a man like Scarlett whose lucid statement or misstatement of his case sounds like the voice of plain common-sense; who gains few plaudits, but who never loses a verdict. He may be a forensic orator, who like Brougham delivers declamations which excite the profound admiration, but do not greatly in-

fluence the verdicts, of jurymen. Once perhaps in an age a genius such as Erskine combines in perfection the suasive and the dramatic arts of advocacy; but most men who have won fame in law courts by power of speech have inclined decisively either to the type of which Scarlett, or to the opposite type of which Brougham, is the best known representative. The whole cast of Cockburn's character made it certain that he would belong to the dramatic school of advocacy. Nature created him to be the counsel in a *cause célèbre*. The sense of a striking position drew forth his powers. To take part in a great representation, in a scene which would remain in the memories of men, was, whether off or on the bench, his special delight. Three occasions on which he performed a leading part are specially notable for the light they throw both on his character and on his gifts as an advocate. These are his defence of Lord Palmerston's policy, his defence of Dr. Newman, and his prosecution of the murderer Palmer.

There may seem some inaccuracy in including the occasion of Cockburn's great Parliamentary success among his forensic triumphs. The inaccuracy is merely verbal, for it is characteristic both of Cockburn's strength and of his deficiencies that, though one of the few barristers who gained a high reputation as a Parliamentary speaker, his achievements in the House of Commons were the feats of an advocate rather than of a statesman. The circumstances under which he made a name among Parliamentary speakers are, in America at least, either unknown or forgotten, and deserve some notice. In 1847 he was elected M. P. for Southampton. With the sound sense underlying the showiness and vivacity which were his most obvious superficial characteristics, he remained four years without taking much part in debates which did not concern matters specially within his province as a lawyer. In 1850 his opportunity came to him. Lord Palmerston, as Foreign Secretary, and Lord Russell's Government as abetting the policy of their colleague were, so to speak, placed upon their trial for having misused the power of England in compelling the petty Government of Greece to pay undeserved compensation for injuries, real or supposed, done to a Maltese Jew, who was, or claimed to be, an English subject. The whole debate on the affairs of Greece was an unreal kind of fight; no party to it came out of it with credit. The Foreign Minister had been overbearing; he had, from a wish to make a display of English power, dealt with a small State as he never would have dealt with a great nation; some at any rate of the clients on whose behalf the English forces had been employed did not do any credit to their protector. All this may be admitted against Lord Palmerston. On the other hand the attack upon him was unfair. We now know that



he had to struggle with the dislike of the court, and that within two years Lord John Russell betrayed him in order to please the Queen and the Prince. We further now know that, take it all in all, Lord Palmerston had been throughout the years during which his policy was arraigned the sincere friend of liberty on the Continent ; and in fact the course of action for which he was attacked in 1850 was based on views which the English nation supported heartily both by money and arms during the Crimean War, and which made Palmerston, with the approval of all English Liberals, the consistent supporter of Italian independence from 1859 to 1861. If moreover the Ministry were assailable, the opposition lay open to damaging assaults. Let it be supposed that Peel and his followers were forced to attack the Liberals, with whose domestic policy they agreed, by moral reprobation of a foreign policy which they detested : it was at least unfortunate that such high moral feeling should compel a coalition with protectionists and Tories. To speculate on the motives which influenced the Tory leaders would be a waste of time. Lord Beaconsfield would no doubt admit that in 1850, as on other notable occasions, he had simply arranged a party combination. That the future hero of "Jingoism" should in 1850 play the man of peace bound to protest against Palmerstonian aggressiveness is, as Lord Beaconsfield would no doubt also admit, to be treated as one of the humorous episodes in his lordship's career. The English public however, who as we know on the same authority "do not love coalitions," are slow to see the reverse side of incongruous political alliances ; and what was needed by the Whigs was a defender who could state the legal points in their case in a way which would please the House, and could at the same time point out, as no mere lawyer could, the inherent weakness of the position taken by the assailants of the Ministry. Cockburn at any rate was just the advocate needed. He held the brief for the Government, and conducted the defence with consummate ability. His speech, which even now can be read with pleasure, contains just enough direct argument to give an honest man an excuse if not a reason for believing that even technically the Ministry were in the right. But the real theme of the speaker is the hollowness of the alliance which for the moment brought Peel and Lord Stanley, Gladstone and Disraeli, into one camp, and the admiration which ought to be felt for a Foreign Secretary attacked in reality not because of the faults of his conduct in Greece, but because of his sympathy with Italian unity and Hungarian independence. The defence told, as few defences have told before or since. When Cockburn sat down, his success in Parliament and at the Bar were secure. Lord John Russell, it is said, at once remarked, "That is the man for me." At the first opportunity the eloquent advocate received

his legitimate reward, and became one of the Law officers of the Crown.

In 1852 Cockburn, then attorney-general, defended Dr. (now Cardinal) Newman from a charge of libel brought by the priest Achilli. This convert, or renegade, from Roman Catholicism had denounced the immoralities of the Catholic priesthood throughout the length and breadth of Great Britain, and had represented himself as a man driven from his church by indignation at the enormities she sanctioned. Dr. Newman published the statement that the renegade's own life was the one strong argument against the church he had left; that Achilli could say, "Behold in me a man who for years belonged to the priesthood, and throughout these years indulged in every vice which could disgrace my profession!" The charge that Achilli had violated every moral law till he was at last expelled from society which he disgraced was supported by the most specific allegations, and was intended either at once to crush the self-styled Protestant or to force on a public inquiry into his career. The Italian took up the challenge, and prosecuted Newman for libel. The occasion exactly suited the genius of Newman's defender. Even now Cockburn's address reads as an impressive speech; it is easy to imagine what it must have been when delivered with all his arts of voice and manner, and rendered the more effective by the dramatic turns in which the trial abounded through Achilli being brought face to face with the women whom he was alleged to have injured. The skill indeed with which the contrast between the convert from Protestantism who stood on his defence and the convert from Catholicism who dared to bring the charge of libel is constantly suggested rather than directly pressed throughout the whole of Cockburn's address, is sufficient to stamp the advocate as nearly approaching to a great orator. One may indeed suspect that the late chief-justice would have pointed to his speeches in *Achilli v. Newman* as the best specimen of his great rhetorical power; yet (and this is worth noting) though Cockburn achieved an undoubted triumph he was not successful in his defence. The jury brought in a verdict of "guilty," although the court subsequently set the verdict aside. Achilli vanished and was heard of no more, and Father Newman in the judgment of impartial critics established his charges. Yet for all this Cockburn's oratory failed in its immediate object. The principles or prejudices of the jury, the leaning of the judge, and the inherent difficulties it must be added of the case were too strong for the advocate. Perhaps no one could have won a verdict of "not guilty;" but the suspicion occurs to one that Cockburn, with all his talent, had not that one indescribable gift of persuasiveness which was possessed by such an egotistic rhetorician as Erskine, or by such an astute plain man as



Scarlett. Cockburn was in truth a dupe to his art : he believed in effects. "Do you think, Mr. Cockburn," said one of the hardest-headed judges on the bench, "that you can affect my mind by sinking your voice a quarter of an octave?" The sarcasm exactly hit its mark : Cockburn was always "sinking his voice a quarter of an octave."

The true monument to Cockburn's powers is the prosecution of the murderer Palmer. The case is forgotten in America ; but in England the charge against the doctor and betting man who used his intimacy to rob, and his medical knowledge to poison, his friend will never be forgotten by those old enough to remember the intense interest felt in 1856 in the question whether guilt, which everybody suspected, could be brought home to a villain who according to current and probably true report had more than once tried his hand at murder, and had brought all his professional training and cold-blooded cruelty to solving the problem whether a man might be so artfully poisoned as to make the fact of his having been murdered impossible to prove. No one can even now say that Palmer might not have escaped his deserved punishment if the case against him had been conducted with no more than ordinary ability. The evidence was circumstantial ; medical men differed as to the exact effects of strychnine ; the prisoner was defended by able counsel, who if they did not actually believe in his innocence did believe that the crime had not been committed in the way alleged by the prosecution : yet, with all these difficulties to overcome, Cockburn settled the question of the prisoner's guilt by the mere statement of the facts of the case. The position of attorney-general, the gravity of the matter in hand, and a sense of justice in which Cockburn was never at bottom deficient enabled him to lay aside all the more showy tricks of advocacy. Fairly, calmly, logically, without a word of exaggeration or of appeal to feeling, he first showed past a doubt that the death of Cook (the victim) was the only means by which Palmer could escape utter ruin ; he then established the fact that Cook's illness increased or decreased exactly in proportion as he was attended by his so-called friend ; and lastly he proved that Palmer had purchased strychnine without any assignable motive whatever, and that by strychnine Cook died. Long before the jury brought in their verdict every one knew what that verdict must be. To this day no specimen of legitimate advocacy better merits study than do Cockburn's speeches for the prosecution. And these speeches have a further interest besides that which they must always possess for barristers : they show how much a high office may raise and steady the powers of a man with capacity to seize and feel the really impressive side of an exalted position. Those who heard Cockburn's defence of Palmers-

ton could foresee that he was destined to high legal office ; any one who studied his speeches, one might almost say his charges, in *Reg. v. Palmer* could foretell with confidence that the eminent advocate would display on the bench some of the best qualities of a great judge.

"Sitting as I do in the seat of Hale, of Holt, and of Mansfield" are words which, if we are not mistaken, occur in some of Cockburn's judgments. In any case, one may confidently assert that they represent what one may call the undertone of every judgment or charge which he delivered. From the day when in 1856 the brilliant attorney-general left the bar for the bench, to the day when in 1880 the aged chief-justice died while still in exercise of his official duties, Sir Alexander Cockburn was always, both for bad and good, supremely conscious of the fact that he was "sitting in the seat of Holt and of Mansfield." The real peculiarity of his genius was that he idealized his own position. He possessed precisely that rhetorical or dramatic turn of mind which was as common in the eighteenth as it is apparently rare in the nineteenth century. All the great men of the former age were marked in England, no less than in France, by a supreme sense of the part they played in the world. This tendency to dramatize their own actions is, one may almost say, the one feature they all have in common. Chatham and Burke, Mirabeau and Regnier, and a host more of whom they are only the best known representatives, indulged quite naturally in rhetorical demonstrations which any modern statesman would feel unbecoming or ridiculous. No doubt there were then as now men notorious for simple manners ; but the simple nobility of Washington, the plain common-sense of Franklin, the conscious rusticity of Arthur Young, who went riding about France "got up" as the British farmer, are quite as much part of the rhetoric of the age as was the eloquence or sentiment of Fox or of Sheridan. One must remark, however, that a rhetorical disposition has no necessary connection with falseness ; it is simply at bottom the tendency to realize to oneself, and to make others realize, the part which one acts or intends to act in the theatre of life. If the part be like that of Washington and of Fox, great and noble, the man is none the worse and may be much the better for realizing its possible greatness and nobility. Thus it was at least with Cockburn. His part in life's drama was that of a great judge intensely impressed with the grand traditions of dignity, of wisdom, and of justice of which the Chief-Justice of England is the inheritor. That his sincere though too conscious aim was to see that this inheritance of judicial worth suffered no damage in his hands, must have been soon obvious to any one who watched his career. The question for friendly yet discriminating criticism to decide is, how far Cockburn



succeeded in supporting the noble rôle which he felt had fallen to his lot.

No person can fulfil the duties of an important office to absolute perfection; and admirers of the late chief-justice must feel that he was too considerable a man to need posthumous flattery or to gain by it. In two respects he fell short of an ideal magistrate, if he be tried, as such a man ought to be, by a very high standard. He never was, as he never pretended to be, a profound lawyer. The saying that he learned his law by sitting in court and listening to Lord Blackburn may of course be dismissed as a joke containing just so much truth as is involved in the statement that Cockburn never was so versed in all the principles and details of law as was his distinguished colleague, and that he exhibited marvellous rapidity in picking up and mastering legal knowledge. But if there be any one who absurdly thinks that the Chief-Justice of England either did not study law, or was in the ordinary sense of the words ignorant of law, he should remember that the same charge of ignorance was made against Mansfield in the presence of Johnson, and that it was met with instant exposure and reproof. But if the accusation of inadequate legal knowledge may be easily dismissed, a graver charge may be brought against Cockburn which does not admit of being so readily disposed of. His eloquence, his exquisite voice, and his power of words were a snare to him. He was delightful to hear; but among his oratorical gifts one cannot number the gift of terseness. This, combined with a natural passion for a *cause célèbre*, led to what on the whole was the least admirable feature in his judicial career,—his mode of conducting the Tichborne trial. Let it be fairly granted that Cockburn was absolutely in the right in the view he took that the claimant was an arrant scoundrel, who backed up fraud by perjury, and aggravated his perjuries by propagating the foulest slander of an innocent lady who had never done him the remotest injury; let it further be granted that the popular prejudice was so strong in favor of “Sir Roger” as to require that his case should be sifted and exposed to the very utmost; let it also be borne in mind that the case for the defendant was conducted in a way utterly discreditable to the barrister responsible for the defence: yet when every concession which fairness requires is made, it will hardly be contended that Cockburn raised his own reputation by his mode of presiding at the biggest though not the greatest legal proceeding on record. Cockburn never fully appreciated the dramatic effectiveness of “flashes of silence.” The discursive and sometimes excited dialogue between judge and counsel which was kept up for months wasted the time, the patience, and the money of the public, and we fully believe gave the scoundrel who was on his trial the one chance which he ever possessed of an ac-

quittal. Plain jurymen might be excused for thinking that a case which it took months to try was one on which a verdict could not be given without great hesitation, and that the matter being doubtful the accused ought to have the benefit of the doubt. There is no question that the monster charge which concluded the monster trial completely dished the claimant; but, after all, life since the time of the flood is too short to tolerate "charges" lasting over nearly three weeks! When an ingenious critic pointed out that the charge in *Reg. v. Castro* equalled in length Gibbon's "Decline and Fall," he proved past contradiction that the big charge was at least as great a mistake as any other of the errors which on one side or another marked the whole progress of the Tichborne case. When Sheridan referred to Gibbon as a "luminous" writer, he was told that the epithet was not happy; whereupon he at once evaded criticism by asserting that he had said "*vo*-luminous." The admirers of the chief-justice will always be forced to admit that the Brobdignaggian charge which he had the imprudence to publish was, judged as a work of literature at least, as remarkable for its voluminosity as for its undoubted lucidity, and will be pleased to turn away from a performance which displayed to the English public the weakest side of an eminent public servant.

Of the deficiencies which detracted from Cockburn's judicial greatness we have spoken freely and quite as fully as the occasion requires. It is the less necessary to dilate upon them, because the American public are not tempted to do more than justice to a lawyer known to them mainly from the part he took in the Geneva arbitration. We fully believe that the remark current in England, that if the present lord-chancellor and the late chief-justice had on that occasion changed places the distribution of parts would have been considerably improved, sums up all that the severest critic could urge against Cockburn's attitude in a very difficult position. The consideration, however, that readers on the American side of the Atlantic must inevitably judge of the character of a great man from his demeanor in an affair which even now neither Americans nor Englishmen can look at with absolute impartiality, makes it an imperative duty to bring out the rare and sterling qualities which mark Cockburn's judicial career.

His first and most obvious characteristic was the dignity which he lent to an office essentially one of the most august and dignified which the modern world possesses. There are, we are convinced, few men either in England or in America who are not impressed with a certain reverence for the noble tradition of justice and of capacity which a long series of illustrious magistrates have connected with the position of Lord Chief-Justice of England. There are few men who if called upon to occupy such an exalted post would not to a certain extent feel the elevating influence of the inheritance of a grand tradi-



tion ; but on the other hand there are fewer men than one would at first imagine, who are able to enhance the dignity of high office. The truth is that on the matter of dignity there is apt to prevail one of two mistakes. The first and shallowest error is to suppose that dignity is mainly a matter of manner, demeanor, or deportment. No Turveydrop of the bar (and there are not a few to be found) ever added as a judge to the lustre of the bench. Even if the old dictum "manners maketh man" have some truth, even though misread by the terms being given their modern sense, it is certain that neither manners nor manner alone ever made a great judge. The delusion that a fine presence, a splendid voice, or an impressive mien will of themselves keep a court in order or control the vagaries of a jury, is a delusion soon seen through by men of sense. A second and opposite error is the plausible idea that knowledge of law and capacity for business are of themselves sufficient to give all the weight which is required by the ideal occupant of the judgment seat. There have been and always will be magistrates who hold that to get through their work with dispatch and with ability is all which is required of them. Those who hold or act upon this opinion may be capable and estimable officials, but they take a narrow view of human nature. The administration of justice is, to use a foreign expression, a great "function." Its impressiveness is part of its essential merit ; but no function, however important, was ever impressive which was not performed impressively. The magistrate who understands the duties of his position knows, or feels, that true dignity consists in the combination of conspicuous ability with impressiveness of manner in the performance of his work. This secret, which is never revealed to some very excellent and able men, was understood by Cockburn better, perhaps, than by any judge who for the last fifty years has sat on the English bench. He knew what real judicial dignity was, and had the power to carry into act the ideal which he had the insight to perceive. He administered justice in what, if we may borrow an expression from Matthew Arnold, may be well called "the grand style." He possessed the voice and the manner which mainly gives the externals of dignity ; and he also possessed that conspicuous capacity which gives to the externals of dignity their real and serious meaning. No country gentleman ever met him on circuit, no jury ever sat before him in court, without a sense of being in the company of a man marked out from his fellows as much by talent and ability as by courtesy and charm of manner. Nor was Cockburn's impressiveness confined to the display of his powers before the laymen who in one way or another witness or take part in the discharge of public justice. He might not be — we have admitted that he was not — a profound or erudite lawyer ; yet lawyers could admire his legal acumen and the variety

of his legal knowledge, and his judgments will remain a permanent monument of the care which he bestowed on the expression and the substance of decisions involving points of importance. His command of language indeed, if in one sense a snare, was also a real excellence. It is no mean service to the State that a judge should keep up the standard of judicial style.

The second and the noblest of Cockburn's great characteristics was his love of justice, which in his case appeared to be so completely identified with his reverence for the Queen's Bench as the instrument of justice, that it is rather difficult, nor is it necessary, to determine how far the two feelings were ever separated in his mind. Some even of his minor weaknesses — such for example as a certain excessive susceptibility to anything which even under the guise of reform threatened to diminish the dignity or weight of his court — were assuredly closely connected with this most admirable feature of his character. Of his determination that the court which he revered should be, as became its high function, a protector to the oppressed and the guardian of legal liberty, one well-known example may suffice. The whole series of events connected with the name of Governor Eyre, though less than twenty years have elapsed since they took place, are probably now forgotten throughout the United States. It may be well, therefore, to recall to your readers that in 1865 an outbreak in Jamaica by the negroes was suppressed by Governor Eyre with excessive severity, and that Gordon, a civilian suspected of disaffection, was arrested, carried into a district where so-called martial law prevailed, tried by a court of officers and executed. "Society" in England, which a year or two before had keenly sympathized with the efforts of the South to secede from the Union, and had gone very near applauding the attempt to establish a Republic based on the maintenance of slavery, was filled with admiration for a governor prepared to play the strong man and to override all petty formalities of law in order to protect whites from the remotest danger of an attack by blacks, who if not technically slaves were certainly not in the eyes of "good society" the equals of the whites who had forty years before been their masters. The party, on the other hand, who had throughout the war of Secession stood steadily by the North looked upon Eyre as a governor who had either deliberately overridden the law, or had so completely lost his head as to forget that he was bound at all costs to obey it. Eyre's censors, moreover, maintained that Gordon, being put to death without legal authority, had in strictness been murdered. Among other attempts (all of which failed) to bring his murderers to trial, an indictment for murder was laid against Colonel Nelson and Lieutenant Brand, who had sat on the court martial by which Gordon was condemned to death. It



fell to Sir Alexander Cockburn to charge the grand jury called upon to consider the bill. He went through the whole history of so-called martial law in England; he considered carefully the application of English law to the colonies; he examined with minuteness the legislation of Jamaica; he made as clear to the grand jury as a thing can be made by words, that Gordon had very possibly committed no crime whatever, that no crime had been proved against him, and that he was convicted in disregard of the laws of evidence on grounds which would never induce any English jury to convict any prisoner of any crime whatever. Cockburn further pointed out what were the facts to which the grand jury should direct their attention, and clearly held, and let it be seen that he held, that the grand jury ought to find a true bill. The grand jury nevertheless found "no bill." Probably no judge on the bench could at that moment have prevailed with a grand jury of Londoners to send to trial officers who were charged with no greater offence than the murder of a black demagogue charged with fermenting an insurrection of negroes. In any case the chief-justice's charge was too long for its purpose; it certainly failed of its immediate object. Yet this failure will, we suspect, in the eyes of future generations be one of the permanent glories of Cockburn's career. No impartial man can now doubt that the conduct of Eyre and of his subordinates, even if it was not criminal, went so near crime that it ought to have been investigated by a criminal court. No impartial man can doubt that the reason why no such investigation took place was that English juries were not prepared to administer the law equally between whites and blacks. Few persons, we take it, doubt now, and fewer still will doubt some years hence, that it was of supreme importance that some great judge should show that, if jurymen failed in their duties, an English magistrate would exert all his influence to insure that law should be respected throughout the length and breadth of the British dominions. This great duty Cockburn performed. His feeling, which appears in every part of his charge, clearly was that the leanings and salutary prejudices, so to speak, of an English judge should be a prepossession in favor of individual freedom, and an unconquerable suspicion of every form of legalized lawlessness. To most readers of his charge Sir Alexander Cockburn will carry the conviction, that, in a matter hardly to be decided by mere technicalities, the chief-justice's law is as sound as his feeling; and even those critics who hold that English law has given a sanction to martial law, which in Cockburn's view it never received, will feel that his whole address is full of the genuine spirit of English justice and of English freedom, and that the chief-justice who at such a crisis could deliver such a charge was certainly the worthy successor of the great line of judges in whose seat he sat.

## THE LAST TRIAL OF RUSSIAN NIHILISTS.

## II.

LIPETSK is a small and rather insignificant town midway between Moscow and Khàrkoff, in the Government of Tamboff. It glories in some springs of very mild mineral waters, which in the short midsummer season, with the orthodox accompaniment of noisy bands of music and noisier *casino*, attract considerable crowds of doubtful refinement, representatives of the second-hand world of fashion, when the place flares up for a few weeks into a sort of hectic, fictitious life. It was here that Kviatkovsky, Goldenberg, and their friends, after the failure of the 14th (2d) of April, met by previous appointment towards the end of June, openly, in the public gardens, mindful of the fact that privacy is nowhere more undisturbed than in a throng, and that it is safest to talk secrets with doors wide open. These desultory meetings and preliminary conferences went on for some days, until all the leaders, convoked from different parts of the empire, were assembled. Then, when the serious business had to be attacked, it was deemed advisable to adjourn to more secluded spots, and the party used to saunter singly, or in small groups, into a neighboring wood, or to row themselves across the river, and hold their *séance* in an open meadow. The points to be discussed and resolved upon were all-important: they were the expediency of renewed attempts against the Czar's life at no distant period, and the urgency of giving the party "a stronger, more compact organization." Goldenberg says:

"The first of these points was readily disposed of. I and several others spoke in favor of a prompt execution of the intended regicide, in order quickly to convince the Government that harsh measures would not put a stop to the movement directed against it, and that therefore it would have to make concessions. . . . I moreover moved the assassination of the Governors-General of Odessa, Kieff, and St. Petersburg, though, of course, only in the case that it should not interfere with the regicide, which was to be our first and principal object."

It is especially impressive and painfully significant to find these sanguinary measures countenanced by a young man, Goldenberg's particular friend, whom he expressly mentions as "one of the gentlest and most humane of men, held in profound esteem by the entire revolutionary party, although he belonged to one special faction of it. I should remark," he adds, "that he was not very favorably inclined to the terrorizing system, and had but lately joined it, moved solely by a revengeful and embittered feeling against the Government in consequence of a long series of cruel persecutions, which had im-



pressed him the more deeply that some of those who had suffered death had been his associates and friends."

Little contradiction, then, was encountered by the resolution decreeing a further continuance of the "terrorizing system." The difficulties of the organization question were much greater. It was, indeed, a complicated question, at least practically; for in theory all had long felt the absolute necessity of greater unity, of more concerted action. The different fractions of the socialistic or revolutionary party, distinguished by various shadings of opinion not merely as to the means to be employed, but frequently as to the ultimate objects to be pursued, preserved towards each other an indifferent, sometimes almost hostile, attitude, and carried on a separate propaganda by means of their several secret organs printed and disseminated by different centres, which disclaimed all connection with each other. It was to conciliate these dissensions, to merge all the various fragmentary cliques into one vast co-operative organization, that so many leaders met at Lipetsk. It was an almost hopeless task; and though they did achieve a certain result, and even produced a sort of statute,—which, however, was never printed,—it was, on the whole, a very imperfect and makeshift performance. There was to be a "directing committee," which, from the nature of the duties it assumed, might be called a superior agent; while the "executive committee" clearly ought to have taken an inferior position. On this Goldenberg, with a characteristic directness which at once discloses the feebleness of the organization, remarks:—

"But *our people generally objected to subordination*, and therefore the executive committee was not really placed under the control of the directing committee. The latter was bound to know all that was going on in the terroristic fraction, and, indeed, in the entire revolutionary party; in its hands were centred all the resources of the party, and it was to provide the necessary means for whatever undertaking was in hand. The 'executive' was to consist of persons whose duty it was to take an active part in such undertakings, of course with the knowledge of the directing committee. It does not follow, however, that the initiative of a given undertaking belonged exclusively to the directing committee; far from it. The executive also had the right of making motions and submitting them to the higher committee. There was no such thing as a strict line of demarcation between the two, as can be seen from the fact that a member of the directing committee could not issue binding dispositions without the sanction of the executive, nor take on himself executive acts. It was, moreover, resolved to have agents of two degrees; those of the first degree to be invested with greater trust, those of the second with lesser. The duty of these agents was to fulfil whatever was imposed on them. The directing committee was to reside in St. Petersburg, the members of the executive wherever their presence and services would be needed."

One of the prisoners completed this account at the trial by remarking that "the distinction between the members of the organization and its agents was real and important. It was resolved that persons

who were as yet little known, but whom it could be hoped to find useful and reliable in the sequel, should be attracted by every possible means, and tried occasionally in small things, with great care to find out, above all, whether they approved of the general programme of the party, and were fit to be trusted with the execution of more important missions."

This is, indeed, the very infancy of co-operation ; and if so many desperate deeds were achieved, or at least attempted, it is to be attributed not so much to the efficiency of the association, lacking as it was in blind discipline, that main nerve of every secret society, as to the powerful individuality of some of its members, acting severally or in groups. Goldenberg's rather naïvely worded statement, "our people generally objected to subordination," sets forth in homely fashion a lesson taught by the whole history of Russia ; namely, that "our people," though able at any moment to muster a superb array of personal capacities, intellectual and moral, have always been, through lack of training or some more deep-lying natural bias, singularly unapt for prolonged combined action. We are born protestants, every one of us ; and however we may yield up our will to external guidance, there always remains an indestructible nucleus of reasoning *self*, which rebels and shrinks from going *all* lengths merely because we are told to do so, even in a cherished cause, and under approved leadership. This quality, like every other, has its good and evil sides. It has at times disastrously asserted itself in our history, — as when, enforced by petty rivalries and mutual jealousies, it retarded by more than one score of years the final liberation of our land from the Tartar yoke, which might have been thrown off earlier by the united action of our several princes. Yet, on the other hand, when called into play by honest motives, it contains, perhaps, a safeguard against that passive subjection to mere authority which makes men follow a waving banner when it has ceased to be anything but a rag of silk or bunting, and stake their lives and souls on a watchword after it has long been only the empty shell of an idea. However that may be, this key-note makes itself distinctly heard through the uproar of our late troubles. It rings out very clearly in Solovioff's declaration that, should his associates unanimously disapprove of his project, he will separate himself from them, and pursue it at his own risk, and on his own responsibility before the law and before his conscience. We may be very sure that the knot of underground workers on the outskirts of Moscow would not have been deterred from their undertaking by the most positive prohibition from their party's highest authorities : they would simply have seceded, and gone on doing what they considered right and necessary.

One item of the unwritten statute seems to have been most con-



sistently carried out,—that of secrecy. The means employed were twofold: first, the lavish use of false papers, most of the agents being provided with several names and passports to match; second, the strict observance of the rule to keep every agent as much as possible in the dark concerning everything but the particular “job” imposed on him, and, as far as feasible, in ignorance even of his fellow-conspirators, who were to be introduced to him as occasion required, and as the more knowing agents saw fit. No agent was, on any account, to discover himself even to his nearest and dearest without the authorization of a superior agent. This system must have produced a most intricate social status, and made daily life a network of *imbroglios* to which old Spanish comedy was simple and transparent. What a curious state of mind to live in, when a man was liable at any moment to see some inoffensive comrade,—a light-hearted sister, or cousin, or young lady friend,—appear in the character of a blood-thirsty revolutionist; to recognize in the stranger to whom he was formally introduced his dearest friend, whom he thought of as hundreds of miles distant; to form new friendships without ever knowing his new friends’ real names, or their knowing his! In short, every man must have lived under the bewildering impression that everybody, himself included, was, or might prove to be—somebody else! Indeed, the sedulous observance of all these aliases and disguises almost suggests an amused suspicion that this, as one might term it, masquerading part of conspiring was not without exercising a peculiar attraction on the youthful plotters, after they had been duly prepared and electrified at frequent, though generally not numerous, meetings by the well-directed harangues of able and experienced agitators. Goldenberg has in one place very graphically described, in his unadorned style, these match-and-gunpowder experiments. The meeting of which he speaks had been arranged at the house of a school-master, and was attended by some twenty persons, young men and young women. Says Goldenberg:—

“I spoke about the purport of the terroristic movement; alluded to regicide, of course only theoretically, without even hinting that such an act was really in contemplation. My object was merely to feel my ground, and find out the views of the young people on this topic. I took care not to overstep plausible bounds, and did not expatiate on the greatness of our power and resources. Closely observing the impression which my speech produced on the young people, I came to the conclusion that they did not fully comprehend me, and that all the things I was talking of were rather novel to the majority of my audience; at the same time, I could see that I had aroused in them the wish to elucidate all these questions. The second meeting took place at the house of a student; it was attended by forty persons,—the former twenty and twenty more, whose names I cannot remember at this distance of time. . . . The result of these meetings was that our young people took the greatest liking to them, and began to manifest an almost passionate desire to have them frequently repeated.”

That so powerful and far-reaching a weapon should not be neglected by the leaders of the party when they discussed the practical questions of ways and means, was but natural. Accordingly we find it decreed that, "apart from political murders and regicide, a vast plan of agitation shall be pursued among 'the young people,' the army and peasantry." It is well known, however, that in the two latter classes, from organically historical causes which it would take a separate paper to investigate, revolutionary agitation has always signally failed, to the confusion and not unfrequently the personal danger of the agents employed.

Such were the principal acts and resolutions of the famous socialistic convention held at Lipetsk in June, 1879, the immediate sequel to which were the threefold railway mining attempt and the crowning scene of which we still have to record. But in describing the horrors of the 17th (5th) of February, 1880, and all that followed it, we are deprived of our invaluable guide, Goldenberg's deposition. The daring revolutionist's career came to a close with those last busy days which he spent with his mining friends near Moscow. He was sent off by them to Odessa for the dynamite forwarded to that city several weeks before, and now rendered useless by the Emperor's change of route and consequent cessation of the mining operations on the track, as it was thought the reinforcement might be available for the Moscow mine, and insure more complete success. In Odessa, Goldenberg had interviews with several associates, received the dynamite, and having packed it in his trunk, together with sundry bottles of wine and cans of preserves, — a very welcome offering from the ladies of the party to their Moscow friends, — he was calmly proceeding on his way to the latter when he was arrested at Telizavetgråd, a railway station half-way between Odessa and Poltava. This happened five days before the explosion on the Moscow track.

Yet, even though deprived of the valuable information concerning the preparations for the final *coup* of the 17th (5th) February, which a continuation of Goldenberg's narrative would doubtless have afforded us, we still find in the examinations of the prisoners and witnesses, as well as in the speech of the counsel for the Crown, sufficient scraps and traits from life to enable us to piece together a very vivid picture of the dismay and confusion which must have arisen in the Winter Palace when that tremendous crash broke in upon the compliments with which the Emperor was welcoming Prince Alexander of Hesse, who was that evening to be his guest at a family dinner in the private apartments. Officials wildly rushing into the lower story, under the impression that either the steam-boiler or the gas had exploded; the alarm-bell of the *corps-de-garde* ringing frantically at the same time; the shrieks and groans of the dying and wounded, who struggled



painfully from under the *débris* of the demolished guard-room, or lay helplessly crushed beneath them (sixty-seven persons in all!) ; lastly the sudden report that one of the three carpenters in whose room the explosion was discovered to have taken place was missing, — all this must have combined into a scene of uproar and terror not easily matched outside of a beleaguered and bombarded city. The report about the missing carpenter, which was speedily confirmed, restored some degree of order and composure, by giving a definite object to the hitherto aimless search and random surmises of the panic-stricken inmates. It was soon evident that this man, and no other, had been the doer. He had been seen in the basement and in his room a quarter of an hour before the explosion ; had then been found busy in the dark at something or other by one of his comrades, who on entering had offered to strike a light, but had been roughly prevented by him ; and from that moment the carpenter had entirely disappeared. Further inquiries showed that this person, who called himself Bătyschkoff, had been employed in the palace over six months, and, while he approved himself a well-behaved, thorough workman, had been noticed by his companions and superiors as a man of education, highly intelligent, and fully capable of taking a plan and making a correct drawing. About a month before the explosion he had brought a heavy chest and placed it in his room, and, on being asked what he did it for, had jestingly answered that he meant to hoard a treasure from his earnings in the palace. Subsequent investigations and various discoveries, — such as a cleverly-sketched plan of the Winter Palace, on which were some words in his handwriting, his identification by witnesses from a photograph, etc., — proved beyond a doubt that the supposed Bătyschkoff was no other than Khaltoùrin, a notorious revolutionist, who, under the greatest variety of aliases, and as far back as 1875 and 1876, had been plying an active “agitation” among the working-classes, and organizing the secret association known under the name of “Northern Workingmen’s League.” He was specially fitted for this circle of action, being himself one of the working-class and by birth a peasant, who, by self-education and a course of studies in a technical school, had qualified himself for the part of a leader. He was never found after his disappearance from the palace, and one cannot help wishing he may have effected a final escape, when one knows that he was in the gripe of a foe as implacable as human justice, — consumption, which in our climes seldom gives long respites to its victims. He had been talking of going south, and seems also to have had a vague intention of making his way to America, to found or join some agricultural colony on socialistic principles.

It was, of course, not for one moment supposed that this attempt,

planned as it was on so gigantic a scale, with such far-reaching foresight, executed with such unexampled daring and infallible precision, should have been the isolated deed of one fanatical schemer. Its connection with the vast terroristic system, suspected from the first, was soon established by the concatenation in which it was proved to stand with certain other facts, revealed a short time before, but not yet fully explained,—facts which, by the light now shed on them, stood forth in their full significance, too obvious to need more than recording, in order to bring the last crime home to the central influence, from which so many others had emanated. It is now that the name of Kviatkovsky first becomes conspicuous. Until the very moment of his arrest, this remarkable man, one of the “master-spirits” and motive powers of the whole engine, had contrived to escape a notoriety which must have deprived the party of one of its most gifted leaders, and had worked steadily and covertly in the dark, participating, indeed, in all the more important machinations, putting in an appearance at Lipetsk, but reserving to himself more especially the handling of that chief lever of all, the secret press, whose discovery and suppression quickly followed his arrest and the search instituted in his lodgings as early as the 6th of December (24th of November), 1879. Some articles produced by this search were deemed, not unreasonably, to be conclusive evidence of his complicity in his party’s crowning act of frenzy. Yet Kviatkovsky himself, from reasons difficult to fathom, saw fit utterly to deny to the last having been concerned in this particular act, or having had previous knowledge of it, even while protesting that he had no hopes that such a denial could save his life, which he admitted to be forfeited on many other grounds, each of them sufficient to seal his doom. It is hardly to be supposed that so clear-headed a man should have expected his word to prevail against such circumstantial evidence as the following articles found in his own room: (1) a plan, very correctly drawn from memory, of the Winter Palace, with some words and short notes proved to be in Khaltoùrin’s writing, and found crumpled up on the floor in a corner, amid a heap of waste-paper; (2) three portable mines, complete and ready for use; and (3) a passport under the name of Batoùrin, one of Khaltoùrin’s well-known aliases. Yet he persisted in his most incredible statement that he knew nothing of the plan until it was found in his room, and that he had not the remotest suspicion by whom it could have been brought or left there; that the passport had been given him to keep by a friend, who himself had it from an unknown workingman, and that he had never been told Batoùrin’s real name. As for the mines, he simply declined telling who had brought them to his rooms.

But this search, exhaustively carried on all through the evening



and night (from 6 P.M. to 5 A.M.), led to even more important results, as hinted above. It embraced not only his own room, but that of Eugenie Figner,—a young lady of considerable ability and education, Kviatkovsky's devoted fellow-worker, and to whom he seems to have been attached by more than the bond of a common cause. She was one of the sixteen prisoners at the bar. Both of course lived under assumed names. Her ostensible occupation was music, to which, as a measure of precaution, she devoted enough time every day to enable her cook to depose at the trial that "the lady was mostly playing on the piano in the absence of the gentleman, who used to go out early in the morning, and to come home only to dinner and tea." The same witness, however, added that both "the lady" and her sister, who at one time stayed with her, "used to write a great deal,"—a piece of information which, considering her connection with the manager of the secret press, was not interpreted in her favor.<sup>1</sup> But then, nothing much more criminating could have been adduced against them both than a simple enumeration of the articles found in their lodgings. In Eugenie Figner's room, a glass vessel with dynamite; a bundle of white paper, the size and shape of the "Naròdnaya Vòlia;" and six hundred and fifty-three copies of odd numbers of that paper itself.<sup>2</sup> In the dining-room, forty-five copies of a proclamation issued by the executive committee on occasion of the late railroad explosion near Moscow. In Kviatkovsky's own room, packed in a trunk, proof-sheets of the "Naròdnaya Vòlia," and other products of the "free press;" forty-five copies of a revolutionary programme of action; several manuscripts containing seditious matter, evidently ready for the press; a proclamation "To the brave Cossack army," and sundry letters; lastly, a package of forged passports, certificates, and other documents. Kviatkovsky, aware of the unanswerable nature of the evidence, did not attempt denial for his own part, but only used every effort to clear his friend by asserting that the criminating articles found in her bureau had been laid there by him shortly before the search, in her absence and without her knowledge. In his defence,—for he, in common with several of his companions, had refused the assistance of the counsel proffered him by the court,—he maintained this point as earnestly as his denial concerning his complicity in the catastrophe at the Winter Palace.

The next important disclosures were made at the lodgings of

<sup>1</sup> The steward of the house in which they lived declared at the trial that "the lady played a great deal on the piano," and therefore he never supposed that the persons who visited them were suspicious characters. *O sancta simplicitas!*

<sup>2</sup> The name of the socialistic secret paper contains a sort of pun: the word *Vòlia* meaning both "will" and "liberty" (by an association of ideas which we find in this latter word itself). *Naròdnaya Vòlia* may be interpreted with equal propriety as "The Popular Will," or "Popular Liberty."

another active accomplice, searched a few days later, on the 16th (4th) of December. From the nature of the articles found in his possession it was evident that this person—an inferior clerk in some government office—was chiefly employed, probably on account of his skill in penmanship, in the manufacture of those false documents with which agents were so lavishly supplied. A complete set of the necessary materials and implements, together with a handsome collection of autograph signatures of high officials, were discovered in a large leathern trunk, besides a number of proof-sheets and papers similar to those confiscated in Kviatkovsky's rooms, and the usual accompaniment of dynamite *obligato*. Moreover, the owner's connection with the secret press was made patent by the presence of a quantity of type of a size corresponding to that of the "Naròdnaya Vòlia."

But the final and most tragical "tug of war" came to pass a few weeks later, on the 30th (18th) of January, 1880, when the police descended in force, assisted by a party of *gendarmes*, on the revolutionary printing office itself, after having first, by long and patient spying and ferreting, ascertained beyond the possibility of a mistake that it was organized in a private lodging kept by one of those fictitious couples who form so conspicuous a feature of these strange times. The scene which ensued must have been chaotic; for it is a hopeless task to try and elicit anything like a consistent, orderly narrative from the mass of fragmentary, individual evidence given by the different actors. Their statements are not contradictory, only vague and confused; like those of men who have been engaged in action too exciting and too rapid to be able to account for it minutely in cold blood, *après coup*. So much is certain: the door was not opened in obedience to repeated summons, and had to be broken open; the police, when they at length forced their way into the premises, were confronted by utter darkness, silence, and clicking revolvers; a violent blind scuffle ensued, in which about sixty shots were exchanged, without serious results on account of the darkness. At last there was a cry, "We surrender!" "How many are you?" was asked. "Five!" answered a female voice. Another was heard in angry remonstrance: "Cowards! was it not agreed that we were all to fight it out? And now you skulk behind and leave us women in the front." In another moment, and after some struggling on the part of the men, four persons, two of them women, were secured and bound, while six revolvers were picked up from the floor. One of the police officers, advancing into the other rooms to look for his fifth prisoner, was greeted on the threshold of the furthest one by a double report; and when a lamp was at length brought in (it must be remembered that our private houses are not lit with gas), he beheld a ghastly sight: a man lying dead upon a mattress on the floor, shot



through the head, — evidently an act of suicide, committed as a last resource against surrender. Both balls, from two shots fired in immediate succession, had entered the right temple through the same opening almost simultaneously, leaving a black and carbonized edge around the wound, but had issued from the skull, after traversing the brain, in two different places, — through an opening just above the left ear, and another in the crown of the head. When the prisoners had been disposed of, and the search could begin without further disturbance, the first thing that was discovered, thrown into a corner of the room where the dead man lay, and wrapped in some old matting, was the identical auger which had been used for boring purposes in the Moscow railway mine. The rest of the booty made up a most formidable inventory: a printing press in perfect working order; about 25 *pounds* (1,000 pounds) of type, 4,000 copies of the “*Naròdnaya Vòlia*,” heaps of forged documents, — passport blanks, certificates of different kinds, etc., — together with everything necessary for the fabrication of those documents, some dynamite of course, two pamphlets on the preparation of the substance, several plans illustrating the process of blowing up a rapidly advancing train, and many other things, besides the six revolvers and three daggers. This was certainly sufficient to justify the accusation in affirming that “these lodgings contained, besides the secret printing office, the central agency for the manufacturing of false papers and supplying therewith all persons for whom it became necessary to assume an ‘illegal’ position, as well as a laboratory for the preparation of dynamite and other explosive substances.”

The separate charge against the prisoner Presniakoff — given in the Act of Accusation under the head of “Armed resistance to the agents of the law, as expressed by two shots fired by the prisoner, wounding one and causing the death of the other of his captors” — presents no particular interest or complication, and may therefore be dismissed with the brief remark that the prisoner’s guilt was amply proved. It remains to record the sentence, pronounced late in the evening of the seventh day of this long and laborious trial. For Kviatkovsky, Presniakoff and three more, it was death by hanging; for the remaining eleven, banishment to Siberia in different grades of severity, with or without imprisonment and hard labor, and for terms varying from fifteen to twenty years. At the same time the latter prisoners were recommended to mercy, and considerable commutations proposed for all. In its final form, the sentence condemned only two to hard labor in the mines for fifteen years. Of the rest, some were sentenced to hard labor, not in the mines but in state factories, for four and eight years; some to banishment to more or less remote parts of Siberia; while Drigo and one other

escaped with a very mild sentence, simply obliging them to reside hereafter in the government of Tomsk, the most western, and consequently most civilized, region of Siberia. Degradation was passed alike against all. In confirming the sentence of the court, the Emperor further commuted the death penalty of three of the five condemned prisoners to exile, with imprisonment and hard labor for life. To Kviatkovsky and Presniakoff, however, the imperial mercy did not extend; and they suffered death on the 16th (4th) of November, within the walls of the fortress.

It is but fair to state that, throughout this long and fatiguing judicial procedure, the treatment used towards the prisoners was uniformly considerate and polite, the mode of addressing and questioning them scrupulously courteous; also, that the counsel for the prosecution in their speeches not only evidently strove to remain within the strict bounds of impartial justice, but repeatedly showed a leaning towards leniency. Thus, in referring to one of the female defenders of the printing office, — a woman of the peasant class who had lived there ostensibly as cook, — the orator parenthetically expressed a hope that the judges would find it not inconsistent with their duty to visit her with the lightest possible punishment, in consideration of her ignorance, almost even of reading and writing, and of her utter want of culture amounting to stupidity, and accompanied by partial deafness. All this is in keeping with the serious and dignified spirit in which our lawyers, since the great judicial reform, regard their profession. That compound of unseemly virulence, ferocious vindictiveness, and bombastic phraseology which, under the name of *réquisitoire*, is the disgrace of French criminal courts and the glory of an aspiring *procureur du roi*, — or *de l'empereur*, or *de la république*, as the case may be, — is utterly repugnant to the deeply humane bent of the Russian nature. A Russian *procureur* would scorn to dig into the past life of an unfortunate prisoner, in order triumphantly to drag to light his most trivial youthful peccadilloes, nay! his schoolboy pranks, and by dint of cruel ingenuity to force and twist them into so many proofs of a precocious viciousness, an unnatural propensity to evil, until he stands before society a predestined criminal, a monster branded even before he failed, and now placed entirely out of the pale of humanity. Ever since the European judicial forms and institutions were transplanted into Russian soil, and quickly took root in it, our *parquet* has been remarkable in the discharge of its duties by a moderation and humane regard to fairness, which prove it to have thoroughly grasped the higher sense of its responsible and so often painful functions. It could not be otherwise in a country where the common people call prisoners of all kinds, without distinction of rank or degree of crim-



inality, by a generic name meaning "unhappy ones," but conveying a shade of infinitely deeper and tenderer pity than can be rendered by the English word. When the chained gangs of malefactors—and alas! political convicts were not exempted from the practice—used to be led across the whole empire on their endless, weary march to Siberia, the population of the villages would pour out to meet them, and may be escort them a short distance, not with insults and imprecations, but with gentle words and outstretched offerings of food and even money. Now that convict trains and convict cars run on all the lines, and have done away with this long preliminary torture, popular sympathy still asserts itself at the railway stations, and many a *douceur* in tobacco, delicate wheaten bread, or small coins, is handed in at the windows.

Siberia! the mines! Horror-laden, these words loom out mysteriously, an awful impersonation of the great bleak North, which appears in a vague remoteness, as a limbo of punishment, desolation and despair! And truly it were difficult to overrate the dreadful import of those names. The vast arctic continent with its huge, sluggish, silent rivers, its immense lowering forests teeming with fur-bearing game, its still more immense expanses of eternally snow-bound plains, its hidden ore, its convict colonies, is not a cheerful picture to contemplate, at least not this side of the picture. But there is another side to it. The statesman and political economist sees in this gigantic appendage to Russia a great promise for the future, a rich reserve of potential resources. He watches rejoicingly its growing cities, its incipient colonization, its developing industrial and commercial enterprise, the progress of culture which slowly but surely spreads, bringing with it its thousand demands of intellectual and material refinement, where till lately money-making reigned supreme in its most vulgar, unmitigated coarseness. And he knows that these results are in great part effected by the influx of the Russian element by means of convict transportation. It would take me far beyond my present limits, and away from my present theme, to discuss this very extensive and intricate subject. But it will not be inconsistent with either to attempt a sketch of the probable future career of the hundreds of young men who of late years have trodden the long, dreary road to the far East. Let us follow those whose doom is heaviest. Few of them—probably none—will end their allotted term at the mines or state factories. An untimely death will doubtless end the sufferings of many, enfeebled from ill health brought on or aggravated by confinement, hardships, or climate, before the tardy hand of mercy can reach them. Yet, wonderful to say, many more survive the horrors of the first years than would seem possible for men of gentle nurture and unhardened body. If they are

resigned and quietly behaved, they will after a while — three, four, or five years instead of the fifteen or twenty of their sentence — be brought under one of the so-called “gracious manifestoes” which are always being issued on occasion of birthdays, births, marriages, etc. in the Emperor’s immediate family, and transferred to some one of the convict colonies, from which in due time they will be released in like manner and allowed to live within some particular rural district, at a great distance from city or town, and under strict surveillance of the local police. Gradually the range widens, till it comprises district towns; the surveillance is lightened; at last the capital of the Government itself is opened to the half-pardoned convict, and with it society and resources of every kind. Society, indeed, is apt to lionize him. It now depends in a great measure on himself, his good sense and abilities, to shape his further fortunes. Men of education and scientific or technical attainments are in as great demand, and for the same reasons, in our far east as in the far west of this country. And when by the end of ten or twelve years, as is generally the case, and after having previously been transferred to the more populous and civilized western Governments, the political convict is restored to his rank and privileges, freed from all disabilities and finally recalled from banishment, it is by no means rare to see him return to the shores of the Baikal of his own free will, to settle there for life. I have known such lawyers, physicians, engineers, miners, — able and energetic men, who had come to love the wilderness, with its wide openings, its large hospitality, its manifold possibilities, and would not have exchanged it, except on compulsion, for what they had already learned to call the cold, narrow spirit of the over-crowded cities of the old world; though heaven knows they need not have objected to any portion of even old Russia on account of over-crowding! One young lawyer in particular do I remember. He was little over thirty, sturdy of frame, and keen of look; his manners had lost the polish of his early social training, and acquired a certain not unpleasing self-relying *nonchalance*. He had come to St. Petersburg on a hurried trip to see his friends, assert his newly-recovered rights, and transact some business; but all his thoughts were centred on a speedy return to Irkoutsk, where he had left a promising and already flourishing practice, some half-started ventures in a mining enterprise, and, as he almost hinted, a fairer attraction than all these, in the form of a well-dowered daughter of some wealthy merchant. He was so enthusiastic in his descriptions as almost to become poetical, and every day he was detained in the capital appeared to him a real loss. Such political exiles as are not deprived of their liberty, but only bound to reside within certain assigned districts, of course have all the more chances in their



favor. The intercession of friends at home also does much to shorten their term and hasten their transfer to cities or more habitable regions, if they behave judiciously, and have not the exceptional ill-luck of falling under the rule of some of those ignorant and wantonly brutal officials, whose number diminishes with every year, and who will soon live only in local traditions, the indignant records of the contemporary press, or the memoirs of some prisoners endowed with literary talent.

The object of the foregoing digression is by no means to palliate the horrors of the penal sentence known as "hard labor in the mines." The removal from the midst of civilization, from all old ties and intellectual communion, the civil death which it entails, the rigid climate, the unwonted physical labor and coarse food, the daily, hourly association with real malefactors, many of them hardened wretches sunk to the lowest depth of degradation,—all these are features doubtless horrible enough. But it should be borne in mind that this heaviest penalty is but sparingly inflicted, and the victims are not debarred from hope in better times; that punishment is punishment all the world over, and that the immediate fate of prisoners is everywhere laid in the hands of officials, of whom a certain number will be brutal and ignorant all the world over, too; in short, that the barbarities with which the Russian convict system has been justly charged (we will waive here the very material improvements of these latter years) find abundant counterparts in the prison annals of every one of those countries which can boast a much older civilization than ours. Not to go beyond the first half of the present century, we do not read of much tender-hearted mercy shown by Austrian courts and those of the Bourbon and German princes of Italy, ordinary and extraordinary, to political offenders whose proceedings were much more obviously justifiable, since they tended merely to expel foreign tyrants by open rising. The city moats of Verona, Brescia, and Milan could tell tales enough of the wholesale butchery by Austrian soldiers of patriots, men and boys, whose object was fighting, not murder. Were Spandau and Spielberg places of pleasant retirement? Was Cayenne a wholesome country residence? Were Melbourne and Port Adelaide the abodes of justice tempered by mercy? Let not one country, then, bear the odium of abominations which are outrages on human nature wherever they exist, and which, let us hope, are receding before the humane spirit of the age in all countries as steadily and surely as in Russia, the youngest and least favored by history.

More than a year has elapsed since the astounding *finale* of the 17th (5th) of February. Times have changed since then. They have

changed so that a man who had gone to sleep on that fatal evening and awakened on its anniversary would have fancied he had dreamed away half a century instead of a twelvemonth. An unprecedented measure, the forlorn hope of utter helplessness, has been crowned with unexampled results. Our age has seen what no other period in the history of the world can show,—a military dictatorship re-establishing order, tranquillity, public confidence, with a rapidity and ease bordering on magic; not by means of terror and coercion,—*those* had been pretty thoroughly “played out” by the peaceable red-tapists,—but by a series of the most liberal measures, the most radical reforms. Cheery and active, hopeful to lightheartedness, forgetting already the late evil days, Russian society is busily setting about the immense arrears of work accumulated in these years of convulsion and terror; and in so doing it receives enlightened encouragement and support from the very Government from which it had so long experienced nothing but repression, suspicion, and ill-will. The dismissal of a Minister of Public Instruction, deservedly unpopular from his consistent retrogressive policy and brutally arbitrary proceedings; the suppression of “the Third Section of His Majesty’s Own Chancery,” that secret and irresponsible institution whose existence made legality but a name; the abolition of the tax on salt; the enfranchisement of the press,—all these concessions, granted *coup sur coup* to public opinion, are surely sufficient pledges of the earnestness and sincerity with which the supreme power of the State, wielded by a hand as strong as it is wise, has been brought back to that high-road of progress and reform from which it was so abruptly turned in April, 1866, by the pistol-shot whose report filled the world—and especially this part of it—with indignant amazement. Thank Heaven! it was done in time, and the final cliff was weathered. It was a narrow escape,—let us not stop to think *how* narrow; but, in gratitude for the eventual release from danger, remember only that “a miss is as good as a mile.” A regenerating breath has passed over the land, and brought back the air of life to the lungs of panting millions. That this is no mere rhetorical figure will best be proved by some extracts from the very fine leading article with which the Petersburg great daily, the “Gòlos” (the voice), ushers in the New Year of 1881.<sup>1</sup> The article is dated Dec. 31, 1880:—

“The now expiring year, 1880, has been a rather peculiar one; it has had only ten months. Its first two months should in justice be credited to the preceding year, 1879,—the year of panic, dismay, and cowering silence. In these two months the men of ’79 overleapt themselves, so to speak; they seemed bent on showing how far matters might be pushed,—and they did. But from the month of February a

<sup>1</sup> It should be remarked that the “Gòlos” is one of our most advanced liberal papers, and has repeatedly suffered fines and suspension under the late repressive system.



turn was felt in a new direction. Other men and other forces appeared on the stage. It became clear to everybody that something was *ending*, and something else was *beginning*. . . . Something has happened for which we cannot as yet fully account, because we do not yet know exactly *how* it came to pass. What happened is this : by a series of measures, not in the least ostentatious, 'socialism' has been knocked off its pedestal ; it has in a few months lost all its gloss and shine ; it is laid on the shelf as effectually as an officer on half pay."

After reviewing in a few pithy lines the causes of the general exhilaration which so auspiciously pervades Russian society at the beginning of the new year as to make it look bravely and hopefully in the face of the countless tasks and difficulties it has to deal with,—after further enumerating "the things which we now can and may do," the writer adds :—

"But, above all, we may and can *speak the truth*. This is the boon of boons. In this also lies, we openly assert, the real strength of the Government. After many years of mutual misunderstandings, it honestly faces the country, society, and the people. It interrogates them ; it gives an unprecedented liberty to the press. . . . And lo ! enemy there is none ; but there is the country, and there is the nation, and they say : 'Yes ; we have needs and our evils, great and urgent and painful ; but, with the assistance of the Supreme Power, we will remedy them all.' And they will."

And so we start afresh precisely from where we stopped fifteen years ago ; the thread is knotted together again exactly where it snapped ; the stitches dropped in the general affright caused by Karakòzoff's most unexpected attempt are picked up, and the work will go on "as if nothing had happened," as the children say. In short, we are where we were before this long break, which we must consider as a pause, a blank, in the country's life, like that of suspended animation or intermitted consciousness, often accompanied by terrific convulsions, after which an epileptic patient resumes his speech on the very word and syllable on which he was interrupted by the paroxysm. We are tempted to ask in homely phrase, "What was it all about ?" What caused this frenzy, this confusion, these chaotic upheavings ? The "Gòlos" has said it, — "*a misunderstanding*."

Nothing ever was less justifiable, less called for in any way, than the shot fired against the Emperor that early spring day, as he was re-entering his open carriage after his daily walk in the "Summer Garden," with his daughter on his arm. No sovereign, not Elizabeth herself, had done for his people spontaneously what Alexander II. had done for his. Splendidly supported by his nobility, he had carried out the abolition of serfdom with a high hand, with precipitation almost, an intolerance of all gainsaying which was the very recklessness of an honest determination to do right quickly, and at all cost. This gigantic act was followed, with scarce breathing time between, by one of hardly less importance, — the judicial reform, introducing open

courts of law and public trial by jury. Then came the partial enfranchisement of the press after the model, very imperfect indeed, of the French press-laws under Napoleon III., but expressly announced as preliminary and temporary. Was that the man, was that the sovereign, to be requited with an assassin's ball? Yet, staggered as he was, it is generally believed that he would, if left to himself, have pardoned the half-witted youth, at least have spared his life. Had he done so, had he followed the merciful dictates of his own heart, the first "misunderstanding" between him and his people might never have arisen. If at that critical hour there were any by his side who took advantage of the disturbed state of the monarch's spirit, thrown off its balance by this gratuitous, most unmerited assault, to whisper to him counsels of wrath and reprisal, to increase their own importance by an exaggerated show of devotion and alarm, to urge him into a course of general suspicion and reaction, under pretence of insuring the safety of his person, endangered by his too confiding neglect of their previous advice, — if any such there were, Heaven forgive those men! History will not, if she ever lays hold of their names.

A passing misunderstanding! Fifteen years blotted out of a country's life! It is no great matter, and not much harm has been done after all. And a couple of hundred years from now posterity will make short work of it, and pass over it lightly with the remark that this was the only shadow on a prosperous and glorious reign. But we are not posterity. We are burdened with affections which keep us down and prevent our soaring to a bird's-eye view of our own times; so we see the accessories which will wane into the indistinct background of the ages some day, but which stand out at present clear and mournful. A few hundred human lives sacrificed may be a very paltry item; hardly so to us however, when they happen to be those of our brothers, our sons, our lovers, our friends,—of "our boys," in short. It is in vain that history sternly points to other lands and other times, and reminds us that with such as these, crushed, laid low with all their budding promise, their splendid powers, their daring aspirations, the path of all human progress has been strewn. It is all very true, and it is all very well; but, oh! "the pity of it, Iago! O Iago, the pity of it!"

Z. RAGOZIN.

NOTE. — This article was in type before the news was received of the murder of the Tsar, and in the light of that event the concluding pages are a striking commentary on the force of the revolutionary sentiment, which even a few months ago was still unappreciated by the most liberal and enlightened Russian opinion. — EDITOR.



## TAXATION OF INTER-STATE COMMERCE.

"I LAY down the broad proposition," says Mr. Justice Miller, "that by no device or evasion, by no form of statutory words, can a State compel citizens of other States to pay to it a tax, contribution, or toll for the privilege of having their goods transported through that State by the ordinary channels of commerce. And that this was the purpose of the framers of our Constitution I have no doubt; and I have just as little doubt that the full recognition of this principle is essential to the harmonious future of this country now, as it was then. The internal commerce of that day was of small importance, and the foreign was considered as of great consequence. But both were placed beyond the power of the States to control. The inter-state commerce to-day far exceeds in value that which is foreign, and it is of immense importance that it should not be shackled by restrictions imposed by any State in order to place on others the burden of supporting its own government, as was done in the days of the helpless Confederation."—*Dissenting opinion in Reading R. R. v. Pennsylvania*, 15 Wallace, 299.

The clauses of the Constitution to which the learned judge refers are as follows:—

"Art. 1, Sect. 8.—The Congress shall have power . . . to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

"Art. 1, Sect. 10.—No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws.

"Art. 4, Sect. 2.—The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

As Congress has never chosen to exercise its power to regulate inter-state commerce, it has devolved upon the judiciary to decide how much protection these clauses of the Constitution, unaided by legislation, afford the citizen; and although the view of Mr. Justice Miller is probably that which was generally held at the time of the adoption of the Constitution, it is not the one which has always prevailed with the Supreme Court of the United States. At first, indeed, the judges were inclined to hold that the power to regulate commerce among the States was so exclusively vested in Congress that no part of it could be exercised by a State. More recently, however, they have modified this extreme doctrine, and they have by degrees conceded to the States a certain amount of control in the absence of Congressional action.

As the whole question of State taxation of inter-state commerce is of great difficulty, and is involved in much doubt and uncertainty, and as, moreover, it directly affects vast and daily increasing interests, little excuse is necessary for attempting to draw attention to the present condition of the law, and for pointing out the grave controversy now actually pending between the tax gatherer and the public.

To do this, however, it is absolutely necessary, at whatever risk of dulness, to review some of the most important cases which have come up for decision. These controversies have usually arisen upon laws passed by States with a view to collect a revenue, either directly or indirectly, from inter-state commerce by one of the four following methods:—

1. By taxation of goods brought from another State for the purpose of general sale, whether the impost takes the form of a tax on the goods themselves, a tax on sales, or a tax on the seller, in the form of a license to sell.

2. By taxation of property brought from another State while the same is in transit, whether the tax is assessed directly upon the goods or indirectly through the medium of the carrier, by a tax upon freight transported.

3. By direct taxation of carriers engaged in inter-state commerce, whether the tax imposed takes the form of a percentage on gross receipts, or of enforcing the purchase of a license.

4. By taxation of goods brought from another State and stored, waiting sale and transportation to a third State.

In 1827 the great case of *Brown v. Maryland* was decided. It was then determined that it was unconstitutional to tax goods brought from abroad while in the hands of the importer in the original package, or to tax the sale of such goods by him, either by compelling him to take out a license to sell or otherwise. Although this case dealt exclusively with importations from foreign countries, Chief-Justice Marshall, in delivering the opinion of the court, took occasion to remark: "It may be proper to add, that we suppose the principles laid down in this case apply equally to importations from a sister State." And we have it upon the authority of Mr. Justice Nelson that for forty years the decision of *Brown v. Maryland* was thought to have settled the law in regard to goods imported into one State from another, as well as in regard to those imported from another country.

In the year 1868, however, another rule was established. The city of Mobile by ordinance taxed, among other things, sales at auction and sales of merchandise. Woodruff, an auctioneer, received for himself, or as agent, the products of States other than Alabama, and sold the same to purchasers in Mobile in the original packages. The tax collector demanded the tax, according to the city ordinance, and Woodruff refused payment. The case was finally argued at Washington, and the Supreme Court held that the word "import" in the Constitution referred to foreign imports only, and that goods brought from one State to another for the purpose of general sale were not exempt, Mr. Justice Miller remarking:—



"The merchant of Chicago who buys his goods in New York and sells at wholesale in the original packages may have his millions employed in trade for half a lifetime, and escape all state, county, and city taxes; for all that he is worth is invested in goods which he claims to be protected as imports from New York. . . . The merchant in a town in Massachusetts who deals only in wholesale, if he purchase his goods in New York, is exempt from taxation. If his neighbor purchase in Boston, he must pay all the taxes which Massachusetts levies with equal justice upon the property of all its citizens."—*Woodruff v. Parham*, 8 *Wallace*, 137.

It is certainly hard to escape from the common-sense justice of this view of the matter, especially as limited in the rather remarkable case of *Ward v. Maryland*, 12 *Wallace*, 418. The State of Maryland passed two laws,—one regulating resident, the other non-resident, traders. In order to sell certain articles, dealers were required to take out licenses. The highest price any resident was obliged to pay for a license was one hundred and fifty dollars, while non-residents were charged three hundred. One Ward, a citizen of New Jersey, sold harness in Baltimore without a license contrary to these statutes, and was indicted for so doing. The judges held that these laws were unconstitutional, because they discriminated against non-residents, Mr. Justice Clifford thus explaining their views:—

"And inasmuch as the Constitution provides that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, it follows that the defendant might lawfully sell, or offer or expose for sale, within the district described in the indictment, any goods which the permanent residents of the State might sell, or offer or expose for sale, in that district, without being subjected to any higher tax or excise than that exacted by law of such permanent residents."<sup>1</sup>

Thus the law in regard to legislation of the first of the four classes into which tax laws were divided at the beginning of this article seems settled in favor of the States, with the limitation that discrimination in any form against non-residents, or against the products of sister States, is void.

Meanwhile, however, legislation of a much more objectionable character was being devised. In 1865 the State of Nevada passed an act by which a capitation tax of one dollar was levied upon every person leaving the State by any vehicle transporting passengers for hire. For the purpose of collecting this tax, men engaged in the business were required to make a monthly return of the number of passengers carried. Under this statute one Crandall, agent of a stage-coach company, was arrested for refusing to make the return or pay

<sup>1</sup> In *Hinson v. Lott*, 8 *Wallace*, 148, it was decided that one State cannot discriminate against the products of a sister State. In other words, if a State undertakes to tax articles brought from other parts of the Union, she must impose an equal tax upon domestic articles of a like character.

the tax. The case was brought to Washington, and the court held the law of Nevada unconstitutional, though the bench differed in opinion as to the grounds on which their decision should rest, and the case is otherwise unsatisfactory. The true reason, doubtless, is that such a law is a regulation of inter-state commerce, which requires absolute freedom of passage from State to State. And, indeed, in a later case all the judges seemed inclined to put this construction on their decision. The whole question, however, came up again for consideration in the great litigation between the Reading Railroad and Pennsylvania, known as the case of the State Freight-Tax.

In 1864 the legislature of Pennsylvania passed an act which provided that every transportation company doing business within the State should at certain times make returns to the auditor-general, stating the number of tons of freight carried for the three preceding months, and that said companies should pay a tax at stated rates for each two thousand pounds of freight carried.

In October, 1866, under the provisions of this act, an account was rendered against the Reading Railroad, in which one item was forty-six thousand five hundred and twenty dollars "for freight exported to points without the State." This item the railroad refused to pay, on the ground that the law was in conflict with the power of Congress to regulate commerce among the States. It must be observed that by this statute the freight was taxed directly; the tax was not laid upon the business of the companies. The State levied an assessment upon each two thousand pounds transported; it was the same thing, whether it was carried one mile or one hundred; if freight was carried at all it was taxable, the amount to be paid being fixed by its character. In other words, the company was simply made an agent to collect an impost upon every ton of merchandise transported across the State-line. The question could hardly have been presented more squarely, and if the judiciary were ever to interfere here was the occasion. The cause was very ably argued by Mr. Gowen for the railroad, and the Supreme Court sustained his position. Justice Strong gave the opinion, in which, after commenting on *Crandall v. Nevada*, and intimating that the decision ought to have been put on the ground just suggested, he said: —

"In view of the case, however, it decides that a State cannot tax persons for passing through or out of it. Inter-state transportation of passengers is beyond the reach of a State legislature. And if State taxation of persons passing from one State to another, or a State tax upon inter-state transportation of passengers, is unconstitutional, *a fortiori*, if possible, is a State tax upon the carriage of merchandise from State to State in conflict with the Federal constitution. Merchandise is the subject of commerce; transportation is essential to commerce, and every burden laid upon it is *pro tanto* a restriction. Whatever, therefore, may be the true doctrine respecting the exclusiveness of the power vested in Congress to regulate commerce



among the States, we regard it as established that no State can impose a tax upon freight transported from State to State, or upon the transporter because of such transportation. But while holding this, we recognize fully the power of each State to tax, at its discretion, its own internal commerce, and the franchises, property, or business of its own corporations, so that inter-state intercourse, trade, or commerce be not embarrassed or restricted. That must remain free."—*Reading Railroad v. Pennsylvania*, 15 *Wallace*, 281-82.

The portion of the law that comes next in order is that which is least satisfactory ; for we have now reached that class of taxes grouped under the third head, in which by various devices, such as so-called franchise taxes and licenses, the States have evaded the intent of the law as thus expounded, and seem to have firmly established their power to draw a revenue at their own discretion from the transportation of merchandise between the States. In this instance, also, the great controversy arose between Pennsylvania and the Reading Railroad. In 1866 that Commonwealth passed an act providing that every transportation company incorporated under its laws, and not liable to an income tax, should pay a tax of three quarters of one per cent upon its gross receipts. Under this statute the Reading Railroad was taxed for the half year ending Dec. 31, 1867. The account rendered by the Commonwealth was based upon returns made by the company, which discriminated between receipts from freight transported to points within, and receipts from freight exported without, the State of Pennsylvania. The company refused to pay the tax assessed upon these last receipts, alleging that the act, so far as it undertook to tax revenue derived from transportation of goods from one State to another, was unconstitutional. The Supreme Court of Pennsylvania sustained the act, and the case was carried to Washington by writ of error.

It was in the dissenting opinion delivered in this cause that Mr. Justice Miller used the words which are quoted at the beginning of this article. His reasoning does, indeed, seem conclusive :—

"If the State of Pennsylvania, availing herself of her central position across the great line of necessary commercial intercourse between the east and the west, and of the fact that all the ways of land and water carriage must go through her territory, is determined to support her government and pay off her debt by a tax on this commerce, it is of small moment that we say she cannot tax the goods so transported, but may tax every dollar paid for such transportation. Her tax by the ton being declared void, she has only to effect her purpose by increasing correspondingly her tax on gross receipts. In either event the tax is one for the privilege of transportation within her borders ; in either case the tax is one on transportation.

"That the tax on gross receipts comes not only ultimately and in some remote way, but directly out of the freight transported, it is hardly worth while to argue. The railroad company makes precisely the same calculation in making its business profitable in relation to the cost and expenses of transportation, and the price to be

demanding for it, in regard to this tax, that it does in reference to the tax on the ton of freight; and it imposes this additional burden for the benefit of the State in fixing the price of transportation." — 15 *Wallace*, 298.

The majority of the judges, however, took a different view:—

"Is, then, the tax imposed by the act of February 23, 1866, a tax upon freight transported into or out of the State, or upon the owner of freight, for the right of thus transporting it? Certainly it is not directly. Very manifestly, it is a tax upon the railroad company, measured in amount by the extent of its business, or the degree to which its franchise is exercised. That its ultimate effect may be to increase the cost of transportation must be admitted. . . . But when, as in the other case between these parties, a company is made an instrument by the laws to collect the tax from transporters, when the statute plainly contemplates that the contribution is to come from them, it may properly be said they are the persons charged. Such is not this case. The tax is laid upon the gross receipts of the company; laid upon a fund which has become the property of the company, mingled with its other property, and possibly expended in improvements, or put out at interest. . . . Influenced by these considerations, we hold that the act . . . imposing a tax upon the plaintiffs in error, equal to three-quarters of one per cent of their gross receipts, is not invalid because in conflict with the power of Congress to regulate commerce among the States."—*Opinion of Strong, J., in Reading Railroad v. Pennsylvania*, 15 *Wallace*, 294-96.

Upon the same principle an ordinance of Mobile was upheld, which required express companies doing business in that city, and having a business extending beyond the State, to pay an annual license of five hundred dollars. The Southern Express Company, a Georgia corporation, resisted the tax, but the case went against them (*Osborne v. Mobile*, 16 *Wallace*, 479).

At first sight the imposition of a tax on inter-state commerce by way of a license seems less startling than when a tax is imposed on gross receipts; but after all it comes to much the same thing in the end. If a State has a right to tax a carrier between the States for the privilege of carrying on his business in her territory, it is difficult to see why the amount of the gross receipts is not as good a way of ascertaining the value of the franchise as another. It is certainly more just than the license system; for the license taxes great and small carriers alike, while the tax on receipts is an attempt to graduate the burden according to the amount of business, and thus charge all merchandise transported equally, whether the volume be large or small. The constitutionality of taxation by license is, however, no longer open for question before the courts. It is a power which has been exercised from the earliest times. It is the price paid for the privilege of doing a business within the jurisdiction of a State which could not be done without the permission of the Government; and even as a subject for legislation it would be hard to propose a problem more difficult of solution than how at once to protect commerce



and leave unimpaired to the States the ability to raise a revenue by reasonable excises upon transportation companies.

Here the decisions of the Supreme Court end. Many other cases have indeed arisen upon these constitutional provisions, but they have involved only the application of established principles to new facts.

It thus appears, to sum up: (1) That the judiciary have sustained taxation of the first of the four classes into which tax laws were separated at the outset, provided the State does not discriminate in its own favor; (2) That laws of the second class, throwing taxation directly on merchandise in transit, have been held unconstitutional; (3) That laws of the third class—taxing corporations upon the amount of earnings, or, as the judges say, upon the value of their franchise or privilege—have been sustained, though the court has found much difficulty in drawing the line between a tax on the franchise of a company whose business is transporting objects of inter-state commerce and a tax on those objects themselves; and (4) that the legal status of goods coming under the fourth class is still undecided by the tribunal of last resort,—and yet, whether or not such goods are subject to State taxation is perhaps the most important question of all. The Supreme Court of the United States has decided that a State cannot tax objects of inter-state commerce while the same are in transit; but it has never decided when that transit ends, so as to give a State jurisdiction for the purposes of taxation. And it is here that the controversy between the tax gatherer and the public now begins.

Modern commerce tends very strongly to centralize at certain distributing points. Thus the cattle and grain trades centre in the cattle yards and elevators at Chicago, Kansas City, and St. Louis; while the Pennsylvania coal trade centres to a large degree near Jersey City, where the coal is stored in enormous quantities at tide-water. Speaking generally, it is at these distributing points that property passes from hand to hand. The question is, whether grain sold in an elevator, cattle in a stock yard, or coal at a wharf, are subject to taxation in the State where the property is temporarily stored and sold, though the sale was only one necessary step for transferring the property from the producer to the consumer, and though neither producer nor consumer is a citizen of the State levying the tax. To maintain that such is the law is startling doctrine; and yet it is now both asserted and practically enforced by the Government of at least one great city in the United States, and probably by others.

The only cases bearing upon this question have arisen in New Jersey, and have not gone further than the Supreme Court of that State. The Lehigh and Wilkesbarre Coal Company stored immense quantities of coal at Port Hudson in New Jersey, to await sale and transportation north and east. The office of the company was in New

York, and sales were made there and not at Port Hudson. When coal was sold at the office an order was sent to the wharves, and thence shipment was made to the purchaser. The State of New Jersey undertook to assess the company for the merchandise thus stored. The Supreme Court of New Jersey thought such coal was in transit, and therefore exempt under the decision in the case of the Reading Railroad. Unfortunately, however, the judgment was based largely on the ground that as no sales were made in New Jersey the transit of the merchandise could not be said to be ended in that State. The contention now is, that if property is stored at any place and there sold, the whole transaction taken together amounts to closing the transit and subjecting the goods to local taxation. Although it seems improbable, in the light of the decisions, that any court would support such a claim, yet should it be sustained, it is perfectly clear that it would give certain central cities the power to levy toll upon most of the produce which passes from the western producer to the eastern consumer.

It is believed, however, that neither in law nor in common-sense is such a theory tenable. So far as taxing is concerned, the sale and the thing sold are two entirely different things. A State may always tax a man who sells in her territory, if she can catch him, and does not discriminate against him; but she cannot tax goods unless they form part of the general property of the State. If a man carries on trade with the citizens of a State, and has his goods exposed for sale to all comers, it is clear that he has mixed his property with the general mass of the property of other citizens, and he is of course subject to be assessed as they are. But if his property, while passing through a State, happens to be sold, the fact that the sale is made in a particular city has no necessary tendency to give the Government a power to tax the goods. The question is always one of fact. If goods are in truth on their way from Omaha to New York, a sale as they are passing through Chicago is of no moment, because the transaction is commerce between New York and Nebraska, and has nothing to do with Illinois, the sale at Chicago being only an incident in the process of transportation. If, on the other hand, goods are sent from Omaha to Chicago for the purpose of sale to all persons indifferently, citizens and strangers alike, so that the property is as likely to remain in Illinois as to go elsewhere, then those goods are taxable, because such a transaction is simply wholesale or retail trade as the case may be. In short, the sale is only of importance so far as it shows whether the goods were really the object of commerce between New York and Omaha, or were in fact destined for local trade in Chicago.

Theoretically, perhaps, it may make no difference whether a tax is



assessed on the sale or on the article sold ; the result in both cases is to raise the price charged the purchaser. Practically it makes all the difference in the world, for a tax on sales made by non-residents, of goods in transit, could never be collected ; while nothing is easier than to levy upon the goods themselves, which are in general of great bulk.

Looked at from the standpoint of common-sense, it is plain that merchandise passing from the producer to the consumer must be exempt from taxation by the way. The American people will never tolerate the exaction of toll, directly or indirectly, from commerce flowing through the distributing centres. The line within which local taxation must be confined is doubtless often hard to trace, as this review of the decisions of the courts has shown ; but no argument is needed to prove that the law is in an unfortunate condition now.

Judicial legislation, for that is what it comes to, is in this instance altogether unable to cope with the situation, for this subject peculiarly requires to be dealt with as a whole, and the courts can only deal with it piecemeal as individual cases arise. Commerce among the States has grown to be the greatest and most important of business interests. It involves enormous sums of money, and it presents problems of the greatest difficulty. The solution of a mass of questions so intricate and complicated has outgrown the domain of the judiciary, and requires the attention of a deliberative body, with full power to legislate. The time, therefore, seems to have come when the public interests require that Congress should exercise its constitutional function, and should clearly define the degree to which a single State may interfere with or burden the commerce of the Union which passes through her borders.

BROOKS ADAMS.

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## THE BALANCE OF THE GENEVA AWARD.

**I**T may seem that the question of the disposal of the balance of the award made to the United States by the tribunal at Geneva has been already thoroughly discussed. But inasmuch as the discussion has thus far resulted merely in postponement of action, and has mainly been carried on in Congress, whose acts are more followed by the reading public than are its debates, we incline to venture something more upon the subject.

Under the award Great Britain paid to the Government of the United States the sum of \$15,500,000. Of this amount between \$9,000,000 and \$10,000,000 have been distributed to claimants through

the operation of a court established for the purpose, but now no longer in existence, called "The Court of Commissioners of Alabama Claims." The classes of claimants who have shared in this distribution are *merchants*, for the loss of vessels, goods, or freights; *mariners*, for the loss of personal property, including wages; *travellers*, for the loss of personal property; and *underwriters*, for the excess, and the excess only, of the loss incurred by them, over and above their receipts, on the whole business of underwriting against the war risks, during the period of the Rebellion. The claimants were required to have a certain status before the Court, which may be summarized as one that entitled their persons and property to the protection of the United States at the time the injuries were received.

Here let us call attention to the fact that mariners serving on American vessels, under the American flag, were considered as entitled to protection and the consequent reparation, whatever their nationality, provided that they were not British subjects. The Court of Commissioners of Alabama Claims threw out all these last. This was done on the hypothesis that, as the damage was caused by the fault of Great Britain, all British subjects were, so to speak, *participes criminis*, or, at least, so identified with Great Britain that they could not ask for relief from the United States. This position makes the robbed also the robber, ignores the right of these sailors to the protection of the flag under the ægis of whose stars and stripes they had placed themselves and their property, and with whose interests they had identified themselves, and also ignores the fact that Great Britain in having paid the award should be considered thenceforth no longer an offender in the matter. It seems so plain that these losers should share in the general reparation that one can easily believe the current report that the late able, painstaking, and fair-minded Commissioners would, if they were able, change their decisions on this point. It is unnecessary for the argument to cite any case of hardship; but the writer had a client before the Court, who, when ashore, had resided for thirty-six years in one house in New York City, but having been born in Great Britain and not having done anything about naturalization until after his loss, could get nothing from the Court on that account! Cases of this class do certainly seem entitled to a share of the balance of the fund in the United States Treasury.

How to dispose of this balance is the question. Besides the class just described, there have been three others conspicuous as claimants. These are (1) the Insurance Companies; (2) the "war-premium" people; and (3) the people who suffered loss by the operations of those cruisers for which Great Britain was held not to be liable under the rules laid down by the Treaty of Washington. The grounds of these claims as respectively urged are as follows:—



(1) The insurers' claim is that the indemnity received from Great Britain is similar to the case of a lost ship and cargo unexpectedly coming to light, in a more or less perfect condition, after her loss had been paid for by them and an assignment of any possible remains taken from the owners ; that the items of ships, cargoes, and freights lost and paid for by them were duly presented to the tribunal at Geneva and the value thereof allowed for in the amount awarded ; in short, that having paid for these losses, when indemnity is made they stand in the shoes of the original losers and are entitled to such indemnity.

But now come forward (2) the "war-premium" people, — that is, merchants, shipowners, and others who paid an additional price or premium to have their property insured against the "war risk," and whose property traversed the sea in safety, — and say that the insurers are not entitled to receive anything, inasmuch as the alleged losses were paid out of the moneys received from them in the shape of "war premiums;" and not only that, but that the insurers made a profit out of the whole business, and are by so much the better off for the depredations of the "Alabama" etc. on the high seas. In their own behalf they urge that they are the people to be compensated, as they are the ones who are really "out of pocket," having paid out large sums of money for protection against the rebel cruisers, which have never come back to them ; that the naval forces of the Government being inadequate to their protection, they were forced by the laws of commerce to protect themselves by insurance,<sup>1</sup> or else would have had to seek some other cover for their property than the American flag ; and that the Government, having obtained indemnity through diplomatic processes, should make them "whole," as they have really and practically made good out of their pockets the losses paid by the insurers : it would thus also atone for its insufficient naval protection. Much more is said, but of this later. This view has been taken by large majorities in the House of Representatives.

(3) The losers by the "exculpated" cruisers, — that is, others than "the Alabama, Florida, and Shenandoah after leaving Melbourne," — say that there is no doubt as to their loss of vessels, freight, cargo, personal property, etc. ; that while Great Britain did not pay for their losses intentionally, she ought to have done so, according to the contention of our Government ; and that there being money enough left after settling claims similar to theirs, arising out of damage done by the

<sup>1</sup> It was proved in the case of the "Winged Racer" before the Court of Commissioners of Alabama Claims that goods in China and Manilla could only be paid for at that time by bills of exchange, or drafts, on London, and that these could not be obtained without policies of insurance as collateral. As to merchants dealing with these places war premiums were really compulsory.

"inculpatated" cruisers, no one is so much entitled to indemnity as they are.

Before arranging and considering further the arguments, *pro* and *con*, of these differing claimants, let us clear the ground a little; let us go back to the sitting of the Geneva tribunal. We find that the whole arrangement was in danger of a collapse, because Great Britain refused to go on if the United States insisted upon presenting to the tribunal claims for "war premiums," which Great Britain considered too consequential in their character and too uncertain in their amount. The difficulty was removed by a voluntary and unofficial statement by the members of the tribunal, that they would not consider any such claims if presented. The sittings of the tribunal then took place, and the American case was in part successfully presented, minus the "war premiums," which under instructions from Washington were not pressed, after the intimation above mentioned. It is important to say here that the counsel of the United States were distinctly instructed not to commit the Government to any theory of distribution of the award, as it wished to hold itself free in that regard.

The vessels with respect to which Great Britain was held to have been guilty of *laches*, on the basis of the rules of the Treaty of Washington, were the "'Alabama,' 'Florida,' and 'Shenandoah' after leaving Melbourne." As to the other cruisers, like the "Georgia," "Sumter," etc., Great Britain was held guiltless under the same rules, and they are thence called the "exculpated" cruisers.

Next, a very important point had been left by the treaty for the tribunal to settle; namely, as to whether a Commission, a board of Assessors, should be appointed, to ascertain and determine what claims were valid, and what amount, or amounts, should be paid by Great Britain to the United States on account of the liability arising from their *laches* as to each vessel; or whether a gross amount should be named and allowed by the tribunal itself, in liquidation of all claims, be their amount more or less.<sup>1</sup> The latter course was adopted, and scrupulous care was then taken to keep secret the process by which the amount awarded was reached.

An unprejudiced observer, we think, would say that the result was that Great Britain paid to the United States a round amount of money as an indemnity for the property actually destroyed by the "inculpatated" cruisers,—such as ships and merchandise, including freight, money, and wages thereby lost,—and that she preferred to acquit herself by the payment of a certain sum, thereby taking the chance of paying more than necessary, as well as of getting off with less, rather than submit to the uncertain results of a Commission. We are aware

<sup>1</sup> See Treaty of Washington, Articles VII. and X.



that the choice was made by the tribunal, but as it was made under the treaty signed by Great Britain it was virtually made by her agent for her.

Still another fact which affects the consideration of the subject, is that of the amounts of the three classes of claims. While we cannot give the exact amount of claims of the first class, — those of the Insurance Companies, — it is understood to be about \$4,500,000, which, if all the other property actually destroyed has been already paid for, represents the balance of the amount Great Britain would have paid if the exact amount had been precisely ascertained by a Commission. The remainder of the balance in the United States Treasury represents what Great Britain overpaid through choosing to pay a certain lump sum. The amount of the second class — the “war premiums” — is estimated at \$6,500,000. The amount of the third class is probably much smaller, say about \$1,000,000 to \$1,250,000. The amount remaining in the Treasury is probably between \$8,000,000 and \$9,000,000.

Now we approach a point entering vitally into the controversy, which is this. Did the United States get the \$15,500,000 from Great Britain acting as the agent or representative of those who were damaged by the *laches* of that power? Or did it do so as a unit, a totality, a nation, that had been injured by a neighboring power in some of its members? In answering this question we shall endeavor to avoid a philosophical discussion as to what it was the duty of the United States to do, under the circumstances, and confine ourselves to the evidence of what has actually been done. What evidence is there?

On the side of the “agency” hypothesis, it is to be said that the United States Government called for a statement of loss from any individuals who should file their claims with the State Department, and only presented those that were so voluntarily filed. Also that the property destroyed was private property never voluntarily surrendered by its owners to the Government or any one else. Finally, that the payment of the claims of individuals already made out of the fund might possibly be treated as an acknowledgment on the part of the United States that it acted as an agent.

On the side of the other hypothesis, we discover, in the first place, that the Government took ground against the idea of acting as an agent in instructing its representatives at Geneva not to commit it to any theory of distribution. And we cannot otherwise account for the scrupulous anxiety of the tribunal to keep secret the method it adopted in calculating the amount of the award except on this hypothesis, and that they wished to avoid laying any foundation for the former. In fact the whole language and tone of the treaty and award seem to

favor this hypothesis, as we read them. There is at least nothing bearing the other way. Moreover, the Court of Commissioners of Alabama Claims rested its decisions and acted throughout its whole cause on this latter hypothesis, and repudiated the idea of "agency." This was done in accordance with the argument of the counsel for the United States, Mr. Cresswell. Consistency therefore weighs on this side. Again, we find an English cabinet minister, Mr. Gladstone, declaring in open Parliament that his Government dealt with the United States as a government, or nation, and not as representing individuals.

Our Government, too, if it was an agent, acted in a most independent manner for the character, notably in ceasing to press the war-premium claims without any consultation with its principals, and barring them forever as claims against Great Britain by accepting the award of a gross sum to acquit her entirely. It is to be noticed, too, that the property lost was not destroyed or carried off by Great Britain, but by the Confederates, through Great Britain's *laches*. Great Britain paid us to atone for her breach of international comity, not to restore the property itself. Some of that which was carried off might have been found in the South. If our memory does not grossly deceive us, some of the chronometers taken have been seen, since the war, in Hampton Roads. Finally, the calling for a filing of claims in the State Department and the payments already made are consistent with this latter hypothesis, as well as with the former.

Now, to consider what we have termed the "evidence," we think it shows that the United States did allow the sufferers to suppose that it would do what it could to get from Great Britain an indemnity for wrong-doing on her part, of which they would reap the benefit. But, also, it seems clear that it did not consider itself merely an agent, and that it has from the beginning acted only as a nation, and claimed the right to say who were sufferers, and to make such distribution of the indemnity as it should deem just. The award was made on the ground that the British Government had not done its duty to the Government of the United States under rules agreed to, after the act, by the former, and the sum awarded was the measure of the direct damage caused to the United States by such failure in duty. As individuals, we are so accustomed patriotically to identify ourselves with the nation to which we belong as sometimes to forget that, in dealings between nations, we are parts and members merely of these organisms.

If, as we think, the United States has received this fund as a nation, what should be done with it? The question has been answered as to a part of the fund, and now is yet to be answered as to the remainder. It is certainly good policy, to say nothing of duty,



for the Government to heal the wounds in its body politic caused by the acts for which it has received indemnity. It has already done so in the main. Are there any more wounds? A cry from three or four sources answers, "Yes!" Let us examine.

First, the claim of British seamen serving under our colors appeals irresistibly to our national pride in the security to be furnished by their waving folds. It should be enough for them to point to their shipping articles with one hand and to the flag with the other.

Next, the insurance underwriters come forward with a long bill of millions of dollars paid for property destroyed by the "Alabama," etc. under their contracts as insurers. But, says some one, "Surely some Companies have received payment already. How is it that you did not?" The reply comes, "Oh! those were the Companies who *lost money* by insuring against these risks; their loss has been made good to them, but we were not allowed to come in because we had made money out of our war-risk business." "How is that?" "Why, we received more than enough in war premiums on risks, where we did not lose, to pay our losses and have a profit besides. But we do not see that the Government should inquire into our business affairs any further than is necessary to enable them to learn what our losses are." "Possibly not; but can you honestly say that your wounds have not already been healed by the 'war-premium' people? And should you not *return those war premiums before coming to the Government* to be doubly healed? Is there not an equitable maxim, 'He who asks equity, must do equity'? And is it not equity, if you are to be put in the *status quo ante bellum*, so far as the 'Alabama,' etc. are concerned, that the 'war-premium' people should be put there also? Are the advantages both of war and peace your due, while your customers lose by the former and get nothing from the latter? That would be inequitable." "But never mind whether we are wounded or not; we stand in the place of those who were, and who were made whole by our money, and whose claims we hold in our possession. Ours is a legal right of subrogation." "Excuse us, gentlemen, if we doubt your right of subrogation, even if you could press a right in this matter at all. Your case hardly comes within the reason of the technical rule, which is intended to cover remnants and not perfect restorations, and whose design is to facilitate the rapid settlement of losses in the interest of active commercial enterprise. It was not intended to cover a case like the present. As for the claims of those who have been already made whole, these you have satisfied as a matter of business, and have found the business a profitable one."

Let us next listen to the cry of the shipowners, merchants, importers, and exporters, who make up the class of "war-premium" people. These say, "Our books show that we are so much out of pocket

through the payment of our war-risk premiums. Will not the Government make us whole from the indemnity fund?" "But did not Great Britain refuse to pay your claims?" "Yes, she refused to pay for anything except direct damage, property actually burned, sunk, or carried off, including artificial property like freight and wages. But remember that we are discussing the disposition of moneys so paid; and our claim is that those whose property was so burned, sunk, or carried off, having been practically made whole out of our pockets, so much of the funds as equals that in value should come to us. As to any over-payment, our Government is free from any supposed direction given by a presumable intent of Great Britain. Besides, the whole fund was paid to acquit Great Britain in the estimation of the United States, and to be distributed as the United States should see fit in the exercise of its independence." But again, "Have not those of you who are shipowners and importers been practically made whole by increased freights and higher prices for your goods, paid practically by the consumer?" "No, for alongside of our ships and importations came neutral bottoms carrying protected cargoes. These fixed the maximum market rates. Moreover, the selling price of goods is not altogether fixed by the cost, but by the supply and demand." Still again, however, "Did you not insure against the acts of the 'exculpated' cruisers, as well as the 'inculcated,' and should not this fund be distributed with a view of indemnity against the acts of the latter alone?" "We must confess that perhaps it should, but a separation is impossible; and as the chief offenders and those most feared were the 'inculcated' cruisers, we think the Government should either give us as sufferers the benefit of the difficulty, or else reimburse us in some proportionate manner." The comparatively small damage done by the "exculpated" cruisers makes it doubtful if their existence affected rates of premium materially.

The claim of the sufferers by the "exculpated" cruisers should doubtless have priority if it were on the same footing as the above in respect to its connection with the "inculcated" cruisers. But this seems to be the difficulty. The United States has a perfect right to reimburse them, and perhaps should do so; but we cannot see that they have any more *real* connection with *this fund*, as an indemnity for the acts of the "Alabama," etc., than sufferers by Morgan's raid into Indiana and Ohio. Notwithstanding this, the opposition to their claim in Congress seems to have been less than to the others; partly, we think, because they are genuine sufferers, and partly because it is thought that their claims can be satisfied by a comparatively small sum. An *apparent* connection is, that in our view Great Britain should have been held liable for some if not all of the "exculpated" cruisers, and on this ground they might come in before the public generally.



A fair consideration of the problem asks that we attend to the demand to turn the balance over to the Treasury Department for the public benefit, and also to the desire felt by many that any over-payment in the award should be returned to the payer.

As to holding the fund for the public benefit, the only good reason for so doing, it seems to us, would be the failure of claimants having a legitimate connection with it. This, we think, has already been shown not to be the case at present. In the first place, the country certainly should not wish to make a profit out of the losses of its citizens at the hands of an enemy; and, secondly, it would be impolitic as affecting the relation of the State to the individual sufferers.

The idea of returning any over-payment to Great Britain is attractive to our generous feelings, but these should not be allowed to run away with us. In the first place it is, strictly speaking, not an over-payment, as the entire sum is the consideration for the barring of any further possible claims upon Great Britain for acts of the cruisers.<sup>1</sup> Secondly, while the fact that if the award had been too small to pay for the losses Great Britain would have been free from liability does not lessen our dislike to receive an over-payment, there is a pretty strong suspicion that our payment of the "fisheries award" contains more than a set-off.

The points of the problem are now spread before the reader, and each one may solve it for himself. Our solution would be as follows: to pay the claims of (1) The British sailors, serving under our flag; (2) The "war-premium" men in full; (3) The sufferers from "exculpated" cruisers; and (4) To turn any balance into the public treasury.

It will thus be seen that we reject the claims of the insurance men *in toto*. We do so distinctly on the ground that they are not sufferers in need of indemnity. If they were willing to return to a general state of "as you were" and return the war premiums to those who paid them, then their claims would be indisputable. But as things are now it would be simply to transfer farther profits, arising from the presence of the cruisers on the high seas, to their pockets, and to leave the pockets of their customers in a minus condition. To say that this would be a restoration of everything to its former state of integrity, which is what indemnity should accomplish, seems to us a mockery of common-sense. For, while compensation for the property destroyed would have been then made by Great Britain, the result would be that certain Insurance Companies would stand in their former condition *plus* a great sum of money, while a large number of merchants, importers, and shipowners would not have regained their former state, being *minus* as large a sum of money as the In-

<sup>1</sup> See Treaty of Washington, Art. XI.

insurance Companies are *plus*, and more too. The statement that their profits were made in the course of business is true, no doubt ; but no one proposes to disturb them in the possession of their present gains. The contention is that they should be satisfied with their present accretions, and not demand that, in addition, all the losses incurred in the process of acquisition be made good. Such a state of things was not contemplated by the parties contracting with them, and what made their profitable business possible was the liability to these losses. They demanded rates of premium calculated upon a basis which would enable them to meet the losses and retain a profit, and these rates the mercantile community paid them. It would surely be a favored business, all income and no outgo, that they appear to desire.

The fact is, that the whole matter of this indemnity is outside of and above the usual course of commercial business. The Government has intervened as a sort of *deus ex machina*, and obtained from Great Britain a sum of money as a compensation for what the nation has suffered through her negligence, and to set things right. But in the meantime men of business had adjusted themselves to the state of things caused by said negligence, and made contracts with reference to it. Now, reparation being possible, shall it be made on the basis of this time of negligence and as a continuation thereof, or shall it be made on the basis of the former state of integrity, and to undo, so far as possible, the consequences which have arisen from the very existence of this irregular period? The Insurance Companies say, practically, "Undo the consequences of that unusual period only so far as we suffered loss from it ; the war-premium men lost their money in the course of their business." While these retort, more justly we think, "No ; undo, as much as possible, the evil results of that time and make things as though it had never been. We were obliged to do business under the pressure of circumstances caused by Great Britain's negligence, for which she has now endeavored to atone. Let the cure be a radical one."

In conclusion, it is earnestly to be hoped that the Government of the United States will soon distribute this money, and not allow the whole matter to drift away into a state of neglect. We believe that the delay hitherto experienced has been mainly due to the conflict of claims, about which divergent views have been held by men in no way interested in the question, except to have it settled in accordance with justice and right. But surely every effort should be made to grapple with this question, and to settle it in a way that will be thoroughly satisfactory. The remembrance of the unsettled French claims hangs still like a cloud over the public conscience, and great and prosperous as our nation appears to be, it can least of anything afford to harden



the national heart and misdirect its sense of right and wrong. The American people have hitherto tried to live up to what they believe to be right, and we trust will long continue to do so. The administration that satisfies the people of its efforts to walk in this same path is the one which can most safely count upon their support and the hearty approval of their lasting judgment. Congress, it seems to us, should address itself vigorously and promptly to this matter, and get it out of the way. If it is right that the money should be turned into the Treasury, say so, and give an honest reason for it. Our own view is that none such can be found, until all those who are out of pocket through the depredations of the "inculpated" cruisers have had their losses made good. We have heard of persons dying in the poor-house, who, if the French claims had been paid, might have ended their earthly sojourn in comfort. Do we wish to treat in the same way, perchance, some of the sailors who served us truly, even though not natives of our soil, and who were robbed because they were found in our marine service? I believe that every American would blush to have such a case brought to his knowledge.

Next, Congress should rise above the narrow view which looks in a retail way as it were at the wrongs done, and should consider the whole state of things caused by Great Britain allowing the "Alabama," "Florida," and "Shenandoah" to escape to the high seas. This would exclude the Insurance Companies from any further payments, and put the money where it should go,—into the void spaces in the pockets whence it came. Finally, we should advocate the policy of reimbursing those who suffered by the "exculpated" cruisers, as the United States has put itself on record before the world as of the opinion that Great Britain was responsible for these injuries. Though the Geneva tribunal did not agree with it on this point, yet now that it has money on hand received from Great Britain which it has no other use for than to keep, is it not right to pay it to those whom it has represented as entitled to such compensation?

Need we add that, if these things are to be done, it were well that they were done quickly? The sufferers should be put out of pain, and have their suspense ended in one way or the other as soon as feasible. Either they should know that "hope deferred" is no longer to torture them, or they should be assured that the period of waiting is ended, and that expectation is at last to end in fruition.

WILLIAM G. LOW.

## GEORGE ELIOT'S LIFE AND WRITINGS.

## I.

AN article in the "Edinburgh Review" for July, 1859, closed with the statement that "the universal question in men's mouths, in the pause in the topics of war and politics, is, 'Have you read "Adam Bede"?' " When that article appeared, "Adam Bede" had been five months before the public. Its popularity was not immediate. Many other works which are now forgotten were then in greater demand among the buyers of new books, and were more ardently praised by their readers. Some of its earliest critics were blind to its beauties. They classed it with the literary rubbish for which the demand is insatiable, and of which the supply is perennial. The first critique upon "Adam Bede" appeared in the "Spectator." If not the silliest ever penned, it is the most pointless comment on a great work which is to be found in the voluminous annals of literary blundering. Though that journal was then under less able management than that of its present conductors, it was a recognized authority in the commonwealth of letters. The notice is very short. Unless I quote it in full it is impossible to do justice to its absurdity:—

"George Eliot's three-volume novel of 'Adam Bede' is a story of humble life, where religious conscientiousness is the main characteristic of the hero and heroine, as well as of some of the other persons. Its literary feature partakes, we fear, too much of that Northern trait which, by minutely describing things and delineating individuals as matters of substantive importance in themselves, rather than as subordinate to general interest, has a tendency to induce a feeling of sluggishness in the reader."

It is indisputable that the reader of this notice will not be affected by any feeling of sluggishness; his inclination will be rather to indulge in unextinguishable laughter at the critic's expense. The "Spectator's" nonsense appeared on the 12th of February; on the twenty-sixth of that month the "Athenæum" and the "Saturday Review" displayed greater critical acumen than their contemporary,—the former pronouncing "Adam Bede" a book "to be accepted, not criticised;" the latter that it was one "rarely rivalled, even in these days of abundant fiction." In the April number of the "Westminster Review" for 1859 "Adam Bede" was dissected with professional skill and praised with judicious warmth, the reviewer intimating that he considered himself a public benefactor for discovering and making known his discovery of a novel which he styled a work of genius.



Towards the middle of the same month an elaborate review of the same book appeared in "The Times," from the pen of the late E. S. Dallas, an acute critic and a charming writer. That article began with the remark: "There can be no mistake about 'Adam Bede.' It is a first-rate novel, and its author takes rank at once among the masters of the craft;" and ended with the reflection that if the work be the first attempt of a young hand and callow genius, then "the hand must have extraordinary cunning, and the genius must be of the highest order." Three months later the "Edinburgh" reviewer referred to at the outset was able to chronicle the fact that every reader of the best books was expected to have read "Adam Bede."

Public curiosity about the book was stimulated in another way. No literary review commands so wide a circle of attentive readers in the United Kingdom as the report of an interesting debate in Parliament. The usual readers of reviews are also readers of parliamentary debates, while thousands who never even glance at the notice of a book in a literary periodical are diligent readers of every speech delivered in the House of Lords or the House of Commons. Nearly two months after "Adam Bede" was published, Mr. Kinglake, the historian of the Crimean campaign, made a motion in the House of Commons on a topic of great contemporary interest, and this motion was seconded by the late Mr. Buxton, a respected member of Parliament, and the author of a thoughtful book on practical politics. Mr. Buxton made a hit near the end of his speech, when he said that Lord Malmsbury, the Secretary for Foreign Affairs, now that the case under consideration could be regarded as a whole, would wish that his conduct, as the farmer's wife said in "Adam Bede," could be "hatched again and hatched different." The result was to increase the desire to make a closer acquaintance with this farmer's wife, and to cause a general demand for "Adam Bede" at the circulating libraries. Then, after the book was in the hands of countless readers, and some of its phrases were on the way to become proverbs, the desire to know more about George Eliot grew general and intense. Few of the first critics of "Adam Bede" were aware that a series of papers entitled "Scenes of Clerical Life," which had appeared in "Blackwood's Magazine," and had been reprinted in a volume, was from the pen of George Eliot. "The Times" reviewer was an exception, prefacing his critique of "Adam Bede" with the observation that George Eliot had been hitherto known as the author of "certain tales to which he gave the modest title of 'Scenes,' and which displayed only the buds of what we have here in full blossom." A critic in the "Examiner" considered "Adam Bede" "a proper sequel to 'Scenes of Clerical Life.'" Since George Eliot became famous, her first book has been as much read as any of her other works; but when it appeared, the reading public re-

ceived it with apathy, and the critics passed it over without remark. None of the leading critical journals and reviews thought fit to notice "Scenes of Clerical Life" till after "Adam Bede" had been classed, by common consent, among the masterpieces of fiction.

The sex and personality of George Eliot were for a time the subjects of wonder and speculation. A "Saturday" reviewer was confident, after his kind, that George Eliot was "a country clergyman" who had sat at the feet of Mr. Kingsley. A writer in the "Examiner" took it for granted that George Eliot was a woman. Charles Dickens, who read "Scenes of Clerical Life" as they appeared in "Blackwood," was greatly impressed with the talent displayed in them, and detected the marks of a feminine hand. The "Westminster" reviewer of "Adam Bede," who was also the editor of the "Review," and intimately acquainted with George Eliot, did not know the truth about the authorship of the book, which in his opinion manifested a union of the best qualities of the male and female intellects. While these differing and contradictory views were held and enunciated, the readers of "The Times" were informed by the Rev. H. Anders, Rector of Kirkby, that "the author of 'Scenes of Clerical Life' and 'Adam Bede' is Mr. Joseph Liggins, of Nuneaton, Warwickshire." During the publication in "Blackwood" of the "Scenes," a Manx newspaper having asserted that Mr. Liggins was their author, he stated, with perfect truth, that there was no foundation for the report. He became both less modest and less punctilious as to facts when "Adam Bede" was a great literary success, and the personality of the author was a subject of widespread curiosity; not only did he then take credit for writing it, but he solicited subscriptions from an admiring public on the ground that the publishers had not paid him for his labors. On the day following the appearance of Mr. Anders's letter, one appeared in "The Times," signed George Eliot, to the effect that the reverend gentleman had made a statement with questionable delicacy and unquestionable inaccuracy; that Mr. Liggins was not the writer of "Adam Bede," and that, unless "the act of publishing a book deprives a man of all claim to the courtesies usual among gentlemen, . . . the attempt to pry into what is obviously meant to be withheld, — my name, — and to publish the rumors which such prying may give rise to, seems to me quite indefensible, still more so to state these rumors as ascertained truths." This emphatic denial did not disconcert the needy and unscrupulous Mr. Liggins, who assured his friends, and who found persons credulous enough to believe, that he had written the denial for some purpose of his own, as well as the works whereof he therein averred that he was not the author. Several letters were written on the subject, and a small party was formed of people of large faith and weak intellect, who regarded Mr. Liggins as the victim of a conspiracy, — just as, in



recent days, some persons have commiserated Orton, the butcher, for having been sent to prison instead of being put into possession of the Tichborne estates. Messrs. Blackwood, the publishers, felt it to be their duty to address a letter to "The Times," affirming that Mr. Liggins was trying to obtain fame and money under false pretences, and that the name of the author of "Adam Bede" had not the slightest resemblance to his. Moreover, a note from George Eliot was subjoined, in which entire satisfaction was expressed with the publishers of the books; and it was shrewdly suggested that if Mr. Liggins would write but one chapter of a story, that chapter might prove more convincing as to his claims than any denial of his pretentions. This ended all public controversy. It is said that Mr. Liggins continued to bemoan the hard fate which had deprived him of money and reputation. If in his right mind, he was a knave. The charitable conclusion is that he was irresponsible for his actions.

When it was discovered that George Eliot's real name was Mary Ann Evans, there was a general desire to learn something about her family, and as to the manner in which she had qualified herself for writing as one having authority. All that could be ascertained concerning her previous literary work was that she had produced two translations from the German, the one being an English version of Strauss's "Life of Jesus," the other of Feuerbach's "Essence of Christianity." Other particulars, which were printed during her life, have had a wider circulation since her death. These were to the effect that her Christian name was Marian; that her father was a poor clergyman; that she was adopted and sent to school by a rich clergyman; that Mr. Herbert Spencer acted as her tutor; that "soon after" 1846, when her translation of Strauss's work appeared, she became one of the staff of the "Westminster Review;" and that, by her intimacy with John Stuart Mill and others, "she became confirmed in their peculiar religious and philosophical views." The foregoing statements, which are to be found in the last edition of "Men of the Time," may be accepted subject to the following qualifications: Her Christian name was not Marian; she was not the daughter of a poor clergyman, nor was she adopted by a rich one; Mr. Herbert Spencer never acted as her tutor; she wrote for the first time in the "Westminster" in 1852, which can hardly be called "soon after" 1846; she was not on a footing of special intimacy with John Stuart Mill, nor did she accept his views of religion and philosophy; whether she accepted the views of "others" cannot be determined till it is known who were the others and what were their views.

The facts as to the parentage and early life of Mary Ann Evans are few and simple. She was born at Griff, near Nuneaton, in Warwickshire, on November 22, 1820. Her father, Robert Evans, began life

as a carpenter, and ended it as a land surveyor and steward of the estates of five Warwickshire landowners. She was the youngest of three children by a second marriage. In conversation and correspondence with intimate friends she was addressed, and she signed her name, as "Marian." At the age of twelve she taught in a Sunday-school near her father's house. Her own early education was acquired at Coventry, in a school kept by the Misses Franklin. Her mother died when she was fifteen; when she was twenty her father removed from Griff to Toleshill, near Coventry, where she kept him company and acted as his housekeeper, her brothers and sisters having married and moved away. Then it was that she entered upon a strict course of self-culture, a form of education which is usually better and more lasting than the accomplishments so laboriously acquired and easily forgotten by young ladies. The Rev. T. Sheepshanks, head-master of the Coventry Grammar School, gave her lessons in Greek and Latin, and she pursued her studies till she had obtained a thorough acquaintance with the classics. Signor Brezzi taught her the rudiments of French, Italian, and German, and she did not rest till she had read the masterpieces in each of them. She even became familiar with Hebrew, and learned to read the Old Testament in the original with an ease which some popular preachers might envy. She made a study of music, playing on the pianoforte with rare skill, and keenly appreciated music of the highest class. It was her good fortune at Coventry to form a friendship with Mr. and Mrs. Charles Bray, who had a taste for literature, at whose house literary men of note were wont to assemble, and where she made the acquaintance of many such men, chief among whom were Mr. Froude and Mr. Emerson.

Miss Evans occupied herself at this period of her life in turning "Das Leben Jesu," by Strauss, and Spinoza's "Ethica" into English. The former work she executed at the request of a friend, afterward Mrs. Sara Hennell, who had begun it, but who on marrying had laid down her pen. The translation of the "Ethica" was a self-imposed task; the manuscript is still in existence, and may yet be published. A consequence of her reading was an alteration in her religious views. At an earlier day she was strongly impressed with the evangelical form of Christianity, and she diligently discharged the duties enjoined upon members of the Church of England. Now, however, she was unable to accept dogmas in which she had once implicitly acquiesced. Her father could neither understand nor tolerate her altered theological opinions, and he treated her with the domineering harshness which naturally springs from ignorance and intolerance. She upheld her convictions without ceasing to display the utmost tenderness towards him, and when he became an invalid and required patient nursing for three years, she was unremitting in caring for him



and in laboring to soothe his sufferings. He died in 1849. In that year she accompanied the Brays to the Continent, visiting Belgium, Holland, Southern Germany, and Switzerland, and remaining behind them at Geneva, where she passed several months perfecting herself in foreign tongues. The Great Exhibition of 1851, which attracted people to London from all quarters of the globe, served to attract Miss Evans also, and the result of her visit was that London became her home, and that the student life which she had led during many years elsewhere was soon exchanged, under new influences and impulses, for the creative career of George Eliot.

Before she began to write "Scenes of Clerical Life" for "Blackwood," she had contributed several literary critiques to the "Westminster Review." Her first article appeared in the number for July, 1852, being the third of the new series begun by the present editor, Dr. John Chapman. The "Westminster" had then undergone great changes since its foundation by Bentham in 1824, with a view to disseminate the principles of Utilitarian radicalism, to counteract the Whig politics of the "Edinburgh," and to combat the Tory doctrines of the "Quarterly." It was edited originally by Sir John Bowring; the principal contributors were James Mill and his greater son, Grote, the two Austins, Roebuck, and Fonblanque. From 1828, when Colonel Perronet Thompson became its proprietor, till 1834, the two Mills declined to contribute to it on account of a dislike to Bowring. In 1834 Sir William Molesworth founded the "London Review," in order that the principles of Philosophical radicalism should be upheld and propagated therein under the editorial supervision of John Stuart Mill. Soon afterward Colonel Thompson sold the "Westminster" to Sir William Molesworth, who fused it with his own periodical, the title of the new one being the "London and Westminster Review." Three years later the editor became the proprietor also. Finding the double burden too heavy, John Stuart Mill disposed of the "Review" to Mr. Hickson in 1840, stipulating that its original name should be resumed. Eleven years afterward it became the property of Mr. John Chapman, who was then noted as the publisher of works by advanced thinkers. The books which he introduced to the public were neither frivolous nor of fleeting interest; among them were the writings of F. W. Newman and James Martineau, of Fichte and Emerson, the earliest productions of Herbert Spencer, the curious correspondence between Miss Martineau and Mr. Atkinson, and the "Nemesis of Faith" by Mr. Froude. On becoming proprietor of the "Westminster," Mr. Chapman associated with himself Miss Evans as assistant editor. The principal contributors were John Stuart Mill, G. H. Lewes, Mr. Herbert Spencer, and Miss Martineau.

When Miss Evans visited London in 1851, she made Mr. Chap-

man's acquaintance and was admitted as a boarder into his family. Shortly afterward she was introduced to Mr. Herbert Spencer, who was of about her own age and then at the outset of his philosophical career. He then found Miss Evans, to employ his own words, "already distinguished by that breadth of culture and universality of power which have since made her known to all the world." Mr. Spencer is a bachelor. It may be surmised that if he ever thought of marrying, his choice would have fallen upon Miss Evans. Her admiration and respect for him were always great; but her affection for G. H. Lewes, another man possessing intellectual capacity and remarkable literary talent, was so strong that she made a considerable sacrifice in order to remain his companion through life.

G. H. Lewes was her senior by three years. He was versatile and most attractive. He had seen much of the world, was well read in the literatures of many lands, and was the author of works which have a title to remembrance. His education had been conducted partly in England and partly in Germany. He was trained in a merchant's office before he set himself to acquire a knowledge of the medical art; but instead of completing his studies and becoming a physician, he devoted himself to the cultivation of letters. When he first met Miss Evans he had given to the world an account of Spinoza, a "Biographical History of Philosophy," a sketch of the Spanish Drama, two novels, a tragedy, a "Life of Robespierre," and he was preparing a biography of Goethe. He was a finished amateur actor; had a thorough knowledge of music, and sang with much taste and effect. Few men of his time excelled him as a converser. He had a large fund of anecdote at his command, and could tell a story so as to render it interesting to every hearer. He had married at a comparatively early age, and his wife possessed all the charms of person that he could desire. Soon after their marriage his wife and he went to live in a large mansion at Kensington, along with five other married couples, who agreed to keep house on a co-operative plan. Each wife took it in turn to act as house-keeper for a week. To give musical entertainments was the chief amusement of this happy family. Some members of it were passionately addicted to private theatricals. This mode of life proved prejudicial to the domestic happiness of some of the family. Lewes was one of the sufferers, his wife preferring the society of another man to his.

No one who was acquainted with G. H. Lewes can wonder that a lady of the acquirements and tastes of Miss Evans should have been fascinated with him. It was quite as natural that he should have been smitten with her. In both cases the doctrine of "Elective Affinities" had a natural application. On both sides the attraction was chiefly if not wholly intellectual. The richly stored mind and the seductive tongue of Lewes made him acceptable to any woman who



could be impressed through the intellect rather than the eye; his face was his greatest defect, though it is an exaggeration to style him, as has been done, the ugliest man of his day. They felt that mutual liking which commonly and naturally ends in marriage between man and woman. At that time the existing law of divorce was unknown in England, an Act of Parliament being then required to put asunder those who ought never to have been joined together. The difficulty of getting such an Act was an insuperable one in most cases, and it was so in the case of Lewes. Hence Miss Evans agreed, in 1853, to live with Lewes as his wife, without the sanction or bond which the marriage tie gives to such unions; and in so doing she was the greater loser of the two. No house was closed against him, whereas many houses were closed against her for having incurred the censure of society. It is certain that the ideal of married life was approached more nearly in her home than in that of many of her censors. To Lewes she was a devoted help-mate, while his children received from her as tender care and affection as any mother ever bestowed on her offspring.

Miss Evans probably intended that the knowledge of her connection with Lewes should be confined to the friends of both. She counted upon keeping the fact of her writing books in the name of "George Eliot" a secret from the public. She shrank from the notoriety which George Sand courted and enjoyed, having none of the longing which induced the great Frenchwoman to be a heroine, although she were the heroine of a scandal. It even seems to have entered into her calculation to conceal from her close friends and intimate acquaintances all knowledge of the circumstance that she was the George Eliot whose identity was the subject of general curiosity and debate. When the editor of the "Westminster" read "Adam Bede," he felt so strong a conviction that Miss Evans was the author that he sent her a note of congratulation. Lewes wrote a reply containing an absolute denial that she had written the book, and this attempt to penetrate the mystery caused a coolness between Mr. Chapman and Miss Evans for a time. It is possible that the secret would have been better kept than that of the authorship of the "Waverley" novels, though it might not have so long remained a mystery as that which still surrounds the authorship of the letters signed "Junius," if Mr. Liggins had only contented himself with asserting that he was the author of "Adam Bede," and had refrained from making appeals for money on the ground that he was an unpaid as well as a great author. The editor of "Blackwood" pressed her not to allow the matter to pass over unnoticed, giving as a reason that "some years ago a rascal nearly succeeded in marrying a girl with money on the strength of being the author of a series of articles in the Magazine." Thus, because Mr. Liggins told a



series of falsehoods, Miss Evans was obliged to abandon all hope of remaining concealed behind George Eliot's mask.

Her earliest contribution to the "Westminster" appeared in the first number of the new series, being a short review of Carlyle's "Life of Sterling." She there expresses a very strong admiration for Carlyle, who shows his "sunny side" in this work, "no longer breathing out threatenings and slaughter as in the 'Latter-Day Pamphlets,' but moving among the charities and amenities of life, loving and beloved,—a Teufelsdröckh still, but humanized by a Blumine worthy of him." The "Life" is pronounced to be one of the best ever written, and "a touching monument of the capability human nature possesses of the highest love,—the love of the good and beautiful in character, which is, after all, the essence of piety." The style of "the work, too, is for the most part pure and rich; there are passages of deep pathos which come upon the reader like a strain of solemn music, and others which show that aptness of epithet, that masterly power of close delineation, in which, perhaps, no writer has excelled Carlyle." It is appropriate to recall this praise of Carlyle by one whose genius was at least equal to his own, and whose writings have a still better chance than his of being read with pleasure and advantage by succeeding generations.

Her last contribution to the "Westminster" appeared in October, 1856. She had written four elaborate and remarkable articles between 1852 and that year; but none excited more notice at the time than the last, and none better repays attention now. It is entitled "Silly Novels by Lady Novelists." A more scathing article on the works of fiction which many women produce without any apparent labor, and without the slightest benefit to mankind, has never been penned. A few sentences will show the tone of the article and the opinions on a subject about which she wrote with unsurpassed insight and understanding:—

"As a general rule, the ability of a lady novelist to describe actual life and her fellow-men is in inverse proportion to her confident eloquence about God and the other world; and the means by which she usually chooses to conduct you to true ideas of the invisible is a totally false picture of the visible. . . . It must be plain to every one who looks impartially and extensively into feminine literature, that its greatest deficiencies are due hardly more to the want of intellectual power than to the want of those moral qualities that contribute to literary excellence,—patient diligence, a sense of the responsibility involved in publication, and an appreciation of the sacredness of the writer's art. In the majority of women's books you see that kind of facility which springs from the absence of any high standard; that fertility in imbecile combination and feeble imitation which a little self-criticism would check and reduce to barrenness,—just as with a total want of musical ear people will sing out of tune, while a degree more melodic sensibility would suffice to render them silent. . . . While the few women who write well are very far above the ordinary intellectual level of their sex, the many women who write ill are very far below it. . . . Where there is



one woman who writes from necessity, we believe there are three women who write from vanity. . . . Ladies' silly novels, we imagine, are less the result of labor than of busy idleness."

While the foregoing quotations serve to show the bent of Miss Evans's mind on this subject, the following one has a special biographic value: "Why can we not have pictures of religious life among the industrious classes in England as interesting as Mrs. Stowe's pictures of religious life among the negroes?" The question thus put she was preparing to answer. In the autumn of 1856, almost at the time the article on "Silly Novels by Lady Novelists" appeared in the "Westminster Review," the editor of "Blackwood's Magazine" was offered a tale entitled "The Sad Fortunes of Amos Barton."

Mr. Herbert Spencer was the first of her friends to perceive that no other pen was more capable of setting lady novelists an example of how fiction should be written than that which had severely denounced the way in which they wrote it. She yielded to the advice which he gave her, doing so with reluctance and misgiving, as she had less belief in her own capacity for the task than in her ability to point out the shortcomings of others. Lewes, who was a contributor to "Blackwood," sent the tale about Amos Barton to the editor with the explanation that it was the first of a series by an anonymous friend. The editor of that Magazine described last February what happened when his predecessor read the first tale and the subsequent tales by the writer whom he was to know and address as George Eliot. So great an impression did the first tale make on him that he informed the author, "it is a long time since I have read anything so fresh, so humorous, and so touching." Furthermore, as fresh instalments of manuscript reached him, "the editor's conviction of the power and even genius of his new contributor steadily increased." While admiring the product, he speculated as to the personality of the producer, fancying, from a similarity in the handwriting, that Professor Owen was disporting himself as a writer of fiction, or that Bulwer Lytton might be trying a new experiment. Dickens was struck with the tales, and wrote a letter expressing the gratification which they had given him, and avowing the opinion that they were from a woman's pen.

Any doubt that she may have had as to her power to write works of fiction was dispelled after "Adam Bede" had been classed in the first rank of such books; henceforth, under the name of George Eliot, her vocation as a novelist was determined. Her second novel, "The Mill on the Floss," appeared in 1860; then followed "Silas Marner" in 1861; "Romola" in 1863; "Felix Holt" in 1866; "The Spanish Gypsy," a story in verse, in 1868; "Agatha," also in verse, in 1869; "Middlemarch" in 1872; "The Legend of Jubal," another story in

verse, in 1874 ; " Daniel Deronda " in 1876 ; " Impressions of Theophrastus Such " in 1879.

George Eliot's life was quiet and uneventful during the years in which she added the foregoing books to English literature. She frequently visited the Continent, and studied on the spot some of the scenes which she afterward depicted. Her enjoyment of good acting was as keen as that of good music, and she visited the theatre when there was a play worth seeing, and a concert room where music was performed which was worth hearing. For the ordinary pleasures of society she had no relish. She was sought after in her own home at Hampstead, and on Sunday afternoons her drawing-room was usually filled with people of note anxious to pay homage to one of greater note than they. In November, 1878, Lewes died, and the loss was a bitter trial to her. She was intellectually his superior, yet there was no other person for whose judgment she had more respect than for his. His help in matters of business was invaluable. It is a mistake to allege, as is done in the interesting and complimentary notice in " Blackwood " to which reference has already been made, that " George Eliot's grasp of business was not less striking than her literary powers ; and her shrewdness and foresight were such as are seldom to be met with." The truth is that the credit here awarded is really due to Lewes and Mr. Cross for the soundness and judgment with which they advised her on business details, while she merits praise for having the good sense to follow their advice. It is no disparagement of the many excellent qualities which made Mr. Cross attractive to George Eliot to infer that the need of some one to trust implicitly and take counsel from on points about which she knew her own weakness may have largely influenced her in consenting to become his wife. The marriage took place on the 5th of May, 1880. A six months' tour on the Continent after the wedding was thoroughly enjoyed by her, and she returned to England last autumn better in health and spirits than she had been for many years. Had her life been prolonged, English literature might have been enriched with another great work. But the end arrived before it was even suspected that it was near at hand. On Saturday the 18th of December she attended one of those concerts for which she had a predilection. Being seated in a draught she caught cold, and next day she was ailing. On Monday she became much worse, yet the medical men of the highest eminence who consulted as to what should be done did not anticipate a fatal termination. Her throat was the seat of the malady, which ran its course so quickly that on Tuesday night the case seemed desperate, and after an interval of unconsciousness she quietly passed away on Wednesday. Her body was buried in Highgate Cemetery, on the 29th of December, 1880.



An estimate of George Eliot as a writer cannot be fairly given till after an analysis and comparison shall have been made of her works. But a verdict upon her as a woman may fitly be passed at the close of this sketch of her life. What Lord Beaconsfield says of Lady Montfort in "Endymion" is perfectly applicable to George Eliot: "Her character was singularly feminine; she never affected to be a superior woman." Though the intellectual equal of any woman who ever wrote a book, and of many men who have no intellectual superiors among their fellows, George Eliot was yet as unpretending as if she had no right to a place among the most worthy. Others of her sex, without a tithe of her abilities, are given to demanding their rights. She was satisfied to discharge to the best of her power what she regarded as her duties as a member of a civilized community. Her ideal of existence was a very different one from that which women of inferior gifts but greater pretensions set forth in writing or in speech. She expressed it to the writer of a paper in the "Contemporary Review" in these words: "What I look to is a time when the impulse to help our fellows shall be as immediate and as irresistible as that which I feel to grasp something firm if I am falling."

No picture of George Eliot can equal that which she unconsciously drew of herself before she had a thought of fame, but not before she was qualified to execute admirably any work to which she might turn her hand. In her article on "Silly Novels by Lady Novelists" she points out that if men consider the average nature of woman as shallow and feeble, they are encouraged to do so by women who volunteer themselves as representatives of the feminine intellect. She intimates her disbelief that men are ever strengthened in this opinion by associating with a woman of true culture, whose mind has absorbed her knowledge instead of being absorbed by it; and then she paints a woman who may now be accepted as a truthful representation of what she herself became:—

"A really cultured woman, like a really cultured man, is all the simpler and the less obtrusive for her knowledge; it has made her see herself and her opinions in something like just proportions; she does not make it a pedestal from which she flatters herself that she commands a complete view of men and things, but makes it a point of observation from which to form a complete estimate of herself. She neither spouts poetry nor quotes Cicero on slight provocation; not because she thinks that a sacrifice must be made to the prejudices of men, but because that mode of exhibiting her memory and Latinity does not present itself to her as edifying or graceful. She does not write books to confound philosophers, perhaps because she is able to write books that delight them. In conversation she is the least formidable of women, because she understands you, without wanting to make you aware that you *can't* understand her. She does not give you information, which is the raw material of culture,—she gives you sympathy, which is its subtlest essence."

W. FRASER RAE.

## THE ALLEGED CENSUS FRAUDS IN THE SOUTH.

FOR months prior to the last census it was announced repeatedly by Republican newspapers, that the South intended, by means of a deep and widespread conspiracy, so to falsify the results of the census as not only to retain its present proportion of political power, but to increase it, if possible. Upon examination of these reports, it was found that none of them could be traced to any responsible foundation. The only reason for their appearance seemed to be the probability that a people which was believed to be capable of committing wholesale election frauds would not hesitate at such a crime as falsifying the census returns, in case it should be to their advantage to do so.

Forewarned as they were, it is not at all surprising that when the results of the census were first announced by the supervisors of the several districts, and it was found that large portions of the South had made most astonishing gains in population, a great cry of "Fraud" went up from the Republican party. That States to which as every one knew there had been practically no emigration, which had been laid waste by the war, and the people of which, as was generally supposed, were shiftless and poor, should have gained in population thirty, forty, fifty per cent or more, was manifestly absurd, and the figures bore upon their face the mark of dishonesty. Few persons, even among the most conservative, could resist this conclusion. Natural increase, which was the only agency at work in this section, could only, under the most favorable circumstances, account for a part of this growth. Few persons understood the conditions under which the previous census was taken, and a still less number knew the character of the enumeration of the South in 1870. Few, again, understood the provisions of the admirable law under which the census of 1880 was taken, or knew anything of the personnel of the corps of supervisors and enumerators who took this census. The results were before the people, and they were at once condemned as false. The North adjudged the South guilty, without a hearing. Under the circumstances it was but natural.

The Superintendent of the Census fortunately understood the case better than the people. Having compiled the previous census, he knew to a certain extent its failings. Though the field-work was mainly beyond his control, he was aware of many of its imperfections; and being a careful, conservative man, he hesitated to accuse one-



fourth of the people of our country without full investigation. That investigation was made, fully and thoroughly; and the result of it was to exonerate completely the people of the South from this grave accusation, and to show indisputably that the true cause of the great discrepancy between the figures of the two censuses was due to the carelessness and negligence of the enumerators in 1870. In some sections not only the last census, but that of 1860 also, was shown to have been at fault. I propose to give, in the following pages, a sketch of the investigations and of the evidence upon which the action of the Census Bureau was based.

The following table gives the population of the Southern States in 1860, 1870, and 1880, with the relative gains :—

STATES.	POPULATION.			PER CENT INCREASE.		
	1860.	1870.	1880.	1860 to 1870.	1870 to 1880.	1860 to 1880.
Virginia . . .	1,596,318	1,225,163	1,512,806	4	23	33
West Virginia .	Part of Va.	442,014	618,443	. . .	40	. . .
North Carolina	992,622	1,071,361	1,400,047	8	30	41
South Carolina	703,708	705,606	995,622	00	41	41
Georgia . . .	1,057,286	1,184,109	1,539,048	12	30	46
Florida . . .	140,424	187,748	267,351	34	42	90
Alabama . . .	964,201	996,992	1,262,794	3	27	31
Mississippi . .	791,305	827,922	1,131,592	5	36	43
Louisiana . .	708,002	726,915	940,103	3	29	33
Texas . . . .	604,215	818,579	1,592,574	35	95	1.64
Arkansas . . .	435,450	484,471	802,564	11	66	84
Tennessee . .	1,109,801	1,258,520	1,542,463	13	22	39
Kentucky . .	1,155,684	1,321,011	1,648,708	14	25	43
Missouri . . .	1,182,012	1,721,295	2,168,804	46	26	84

In the war of the Rebellion all these States suffered to a greater or less extent. The border States of Virginia, Tennessee, Kentucky, and Missouri, however, must have suffered the most; and of these four probably the first lost the most heavily. The first three of these States show very reasonable and probable gains in each of the two decades, and by comparisons based upon them, and by our general knowledge of the movement of population, we could learn what to expect in the other States. To Missouri there has been much emi-

gration during the past fifteen years, which will easily account for its rapid growth. West Virginia has made a great gain, which however is possible, as the State has received a heavy immigration. The great gain in North Carolina between the ninth and tenth censuses, coupled with the small gain between 1860 and 1870, and the fact that the State has received practically no immigration, shows that there is probably something wrong. South Carolina is an aggravated case of a similar character. Georgia, too, shows impossible gains from 1870 to 1880. The large gains in Florida are distributed from 1860 to 1880, and as the State has received many immigrants the figures are probably nearly correct. Alabama, Mississippi, and Louisiana gained too much in the second decade, and not enough in the first. In Texas all things are possible; while Arkansas, although receiving large accessions from immigration, presents us with a gain far in excess of the probability. In short, in the States of North and South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Arkansas either the census of 1870 or that of 1880 must be at fault.

In these States the gains were not by any means uniform throughout the States. Many counties, even in States which showed a large total gain, had increased very little, or not at all; while others had made enormous gains, amounting in many instances to more than one hundred per cent. Going still deeper into the figures, it was found that the subdivisions of the counties showed still greater variability, in some cases reaching six hundred, eight hundred, or one thousand per cent of gain. In short, the gains were extremely irregular, showing either that the previous census had been grossly incorrect, or that this attempt at fraud had been executed in a very bungling manner.

In the first place, a thorough examination of the lists of inhabitants from suspicious sections was made; but it failed to show any internal evidence of fraud. These schedules appeared to be perfectly regular and correct, and argued either honest work or the most artful deception. The matter was then put into the hands of the writer, with directions to select the most suspicious looking cases in the most suspicious State,—namely, South Carolina,—and to make a thorough examination of them on the ground. Without going into details regarding this investigation, it will be sufficient to sketch the methods employed and the results attained.

The general method consisted in a verification, upon the ground, of the names found in the schedules. By the efficient co-operation of the United States Marshal, the Collector of Internal Revenue, and their deputies,—all of whom were Republicans, and, of course, above suspicion of any collusion with Democratic frauds,—the writer was introduced to reliable persons, well acquainted in their respective townships. All these persons, with but two exceptions, were Repub-



licans, certified to be such by the Marshal or his deputies. These persons were called upon to identify the names upon the schedules, as being *bona fide* residents of the townships in which these names appeared. As a guard against any possible foul play upon the part of these persons, they were not generally allowed to see the schedules; but the names were called off to them, and frequently names not appearing upon the schedules were called, as a further test. In this way no less than eighteen townships, chosen as those which had made the largest relative gains, were examined.

The investigation of these townships in the manner above indicated was thorough, and was to all intents a re-enumeration. In most cases all the names on the schedules, with very few exceptions, were identified as being those of residents of the township in which the schedules placed them,—and this in spite of the fact that many negroes have one or more aliases, and therefore, in many cases, their names were not easy to recognize. The net result of this investigation, which occupied two weeks, was as follows, as stated by the writer in his report to the Superintendent: "I have found no trace whatever, anywhere, of any attempt at a fraudulent inflation of the census."

A similar examination of certain suspicious regions in Mississippi and Arkansas likewise failed to show any signs of fraud. This examination, with other collateral evidence to be adduced further on, was deemed by the Superintendent of Census and the Secretary of the Interior to be amply sufficient to establish the correctness of the census. The results were published, and the enumerators were paid for their services.

Yet notwithstanding the fact that this result was accepted by the Department, and by such leading Southern Republicans as Colonel R. M. Wallace, U. S. Marshal, and E. M. Brayton, U. S. Collector of Internal Revenue for South Carolina, it was found that the mass of the Republican party in the North were not disposed to accept it without fuller investigation. In order, therefore, to put at rest forever this question of Southern census frauds, it was decided to continue the investigation, with the direct end in view of satisfying the public. For this purpose eight townships in South Carolina were selected by the United States Marshal as being those in which the apparent increase had been the greatest, excepting those which had been examined by the writer. Four clerks were detailed from the office in Washington, selected as being well-known Republicans, to re-enumerate these townships, and Colonel F. G. Butterfield, the Supervisor of the Census of Vermont, and well known as one of the leading Republicans of that State, was detailed to supervise their work. The re-enumeration was made thoroughly and carefully, with a result giving the population of each of the eight townships slightly in excess of

that given by the June enumeration. The total gain in these townships was 597 on a total population of 21,011, — or  $2\frac{9}{10}$  per cent.

This re-enumeration of eight of the worst-appearing townships of South Carolina, selected by the leader of the Republican party in the State, and executed by four Northern Republicans under the supervision of a Republican of the standing of Colonel Butterfield, and giving a result which corroborated fully that arrived at by the writer, should, it would seem, satisfy even the most sceptical. But there is more unanswerable evidence, besides a mass of indirect evidence, which alone to an unprejudiced mind would seem to be amply sufficient to disprove the charge of fraud. In the States from which the returns appeared improbable, out of twenty-five supervisors of census no less than thirteen were Republicans. In South Carolina, which had been selected as a test case, two out of the three supervisors were Republicans. Their districts showed as great apparent gains as those of Democrats. The only possible conclusion, supposing the existence of fraud, must be that these Republican supervisors were parties to it, which is scarcely probable. While Democratic supervisors appointed few, if any, Republican enumerators, the Republicans appointed men of their own party wherever suitable men of that political faith could be found, — which was the case, perhaps, in one half of their districts. *The average apparent increase in districts enumerated by Republicans was fully as great as in those enumerated by Democrats.* Here then are more Republicans, amounting to several thousands, who must have been parties to a Democratic fraud.

Every enumerator was required by law to file a copy of his schedule, containing the full name, age, sex, and color of all persons enumerated, at the office of the clerk of his county, where it was subject to the inspection of any one, Republican or Democrat, who chose to examine it. A better opportunity for the detection of frauds could scarcely be desired, as false entries in any amount upon a list could not have escaped the observation of any one acquainted with the inhabitants of the township or civil district, — and there certainly are in every county of the South intelligent Republicans who would have been only too glad to prove the existence of such false entries. But the Census Office has yet to receive the first definite accusation of this kind. Out of the thousands of schedules filed with county clerks throughout the South, the Census Office has yet to hear of a single name having been falsely entered with intent to swell the census. Such a discovery, made during the uncertainty of the late Presidential canvass, would have been of infinite service to the Republican party.

In Mississippi, where the average apparent gain in population was thirty-six per cent, and where several counties showed an increase of more than one hundred per cent, a State census was taken, beginning at the same time as the Federal census. The districts of the former



differed in size from those of the latter, each of the former including a whole county. Between their results there were discrepancies, amounting in some counties to several hundred, the population being in some cases greater, in others less. If there were frauds contemplated in Mississippi, why should the State authorities have complicated matters by ordering this census, and introducing sixty or seventy more men, the State enumerators, into these dangerous secrets? What possible good could be gained by this risky procedure? In this State of Mississippi there is also a county registration of voters. Each voter, being under oath, is required to sign his name to the list. The totals of these lists, county by county, agreed as closely as could be expected with the results of the census. Certainly, in cases where counties show an abnormal increase of from fifty to one hundred per cent, one would expect that the registration lists would show a marked discordance. In Arkansas, where the apparent increase was sixty-six per cent, a school census is taken annually. The results, assuming that children of school-age form one third of the total population, agreed very closely with the census. The number of polls, as furnished by the assessors' annual lists, also agreed very closely. In South Carolina a State census was taken in 1875, while the State was under a Republican administration, before its "redemption." This census gave the State so large a population that it was condemned as untrustworthy, and the results were never published officially. While it was rightly deemed untrustworthy, its errors were those of omission and not of commission, as the sequel has shown. The total of the State as then given was 925,145, as against 995,622 in 1880.

Now, disregarding the direct evidence against the existence of fraud, we have to assume, supposing the census to have been fraudulently inflated, (1) That all the supervisors, Republican as well as Democratic, twenty-five in number, were parties to it; (2) That all the enumerators, Republicans and Democrats, numbering several thousands, were also active participants in it, and this in face of their oaths, under which they were subject to heavy penalties; (3) That in Mississippi all the State enumerators, and county and State officers, were participants; (4) That in Arkansas, as the assessors' poll lists and school censuses must have been arranged for several years beforehand to suit this pre-determined population, we are called on to add to the list of conspirators several sets of county and State officers; (5) That the census of 1875 in South Carolina, taken by Republicans under a Republican government, was fraudulent; and (6) That as no one in the South has yet discovered a false entry upon the schedules, although Republicans have had every opportunity and incentive to do so, we are driven to the melancholy conclusion that every citizen of the South, white and black, Republican and Democrat, is a party to a gigantic conspiracy which is to benefit only the Democratic party!

The correctness of the last census can no longer be questioned, but the great discrepancy between it and the previous ones remains to be explained. It has been stated that the fault lies with that of 1870, and to a certain extent with that of 1860. The machinery of the recent census is well known. The country was divided into one hundred and fifty supervisors' districts, over each of which was a supervisor of census, appointed by the President and confirmed by the Senate. These supervisors were accountable directly to the Superintendent of Census. He had the power of removing them for cause, and of appointing their successors. Each of them took oath, under heavy penalties, to perform the work assigned to the best of his ability. Each supervisor's district was divided into a certain number of enumeration districts, the population of which was on an average between 1,500 and 2,000. The enumerators were to be appointed without respect to party affiliations, but solely with reference to their fitness for the work. They were appointed by the Superintendent, upon recommendation of the supervisors. Each was required by law to be a resident of the township or civil district which he enumerated. Each enumerator was under oath to perform his work properly and to the satisfaction of the central office, and heavy penalties were provided in the law for failures in this respect. The result of these provisions was that throughout the South the census enumerators were, with few exceptions, an intelligent class of men, well acquainted with their respective districts. They felt a personal responsibility in their work, not only to the Census Office, but to their neighborhood and to their county, which insured its faithful performance.

These conditions are in sharp contrast with those in existence in 1870. The old law of 1850, under which this census was taken, imposed upon the United States Marshals the duty of supervision, in addition to the onerous labors which properly appertained to their positions. Most of these men were non-residents, had little local knowledge, and no local pride or interest. The enumerators, known as assistant marshals, were appointed by the marshals without authority from the central office. In nearly all cases these enumerators were from the dominant (that is, the Republican) party, and in a large proportion of cases they were ignorant negroes. There was a provision of law requiring that the enumerators should be residents of their districts; but owing to the large size of these districts, in many cases the enumerators were without that local knowledge so essential to a thorough canvass. The districts were much larger than in 1880, requiring from three to six months, instead of one, for the canvass. Moreover, it appears to have been a common practice for the enumerators to sub-let the work to others, who were unauthorized and irresponsible persons. Indeed, this appears to have been the rule rather than the exception.



Another very important point affecting the census of 1870 was the unsettled state of society in the South at that time. It was but five years after the close of the war. Neither whites nor blacks had found their relative positions after the great changes in social conditions produced by the wholesale freeing of the slaves. These States were under governments composed largely of the lower classes of society. The whites were indifferent or desperate; the blacks suspicious. Under these conditions of society, it would have been almost impossible to have taken a complete census even with the best of machinery; with the faulty one employed, it was manifestly quite so. Many of the whites refused to allow the enumerators to enter their houses, and declined to answer their questions; the negroes were afraid to give the required information, not understanding its object.

In the majority of cases the enumerators made no pretence of carrying on a house-to-house canvass, but attended court sessions, musters, public meetings, etc., wherever a body of men was gathered, and there got such names and other information as they could. That this was the method employed in the majority of counties of the South the Census Office has abundant proof, in the form of affidavits from residents of all parts of this section. The results of this curious method of taking a census are shown in some remarkable figures. The county of Orangeburg, South Carolina, between 1860 and 1870, decreased 8,031, or 32 per cent. No other county in the State showed anything like this decrease, and there is no reason why Orangeburg should have suffered from the war, or other cause, more than the neighboring counties. In 1870 the town of Orangeburg Court House was returned as having a population of but 246, while the total vote at the election in 1868, where there was no possible suspicion of Democratic fraud, was over 300. The town of Salisbury, North Carolina, was a like case. In 1870 it was returned as having 168 inhabitants, while at the same time it cast about 400 votes. Many other similar cases might easily be adduced.

A comparison of the two censuses of 1860 and 1870, county by county, shows remarkable cases of decrease during the decade. While it is undoubtedly true that the war put a temporary check upon natural increase, and even depopulated to a certain extent some sections, it is scarcely to be expected that it would have largely reduced one county, while the adjoining one did not apparently suffer in the least. The case of Orangeburg County, South Carolina, has already been cited. There are many similar cases throughout the South.

But it has been urged that, throwing out the ninth census altogether, the increase from 1860 to 1880 is improbable. The only States concerning which this criticism has any force are North and South Carolina, as in the others the gain in the past twenty years is

quite probable. The following table presents the gain in the twenty years preceding and following 1860, and shows that the above statement is undoubtedly correct:—

STATES.	PER CENT OF INCREASE.	
	1840 to 1860.	1860 to 1880.
North Carolina . . . . .	32	41
South Carolina . . . . .	18	41
Georgia . . . . .	53	46
Alabama . . . . .	63	31
Mississippi . . . . .	111	43
Louisiana . . . . .	101	33
Arkansas . . . . .	346	84

Between 1860 and 1880 South Carolina gained forty-one per cent, an increase slightly greater than that of the *forty* years preceding 1860. In the first place, the eighth census—that of 1860—was to a certain extent faulty, though not to so great an extent as that of 1870. The law under which it was taken was the same as that of the latter, but the conditions of society at that time were quite different. There was, however, a great indisposition among the planters to give the full numbers of their slaves. Evidence in possession of the Census Office shows that the same methods of enumeration were used as in the ninth census,—that is, of obtaining names, etc., at public gatherings,—but they were not so generally employed.

Neither North nor South Carolina, however, had during the forty years between 1820 and 1860 so rapid a growth as they have enjoyed during the past ten or fifteen years. During the former period they were occupied in populating the States south and west of them. While they received few immigrants, they sent out large bodies of emigrants to the newer States along the Gulf coast, and to Kentucky and Tennessee. The census of 1870 shows that there were at that time no less than 246,066 South Carolinians living in other States, of which number 144,533 were in the five States of Georgia, Florida, Mississippi, Arkansas, and Texas; and of North Carolinians no less than 307,362 were in other States. Since the war, emigration from these States has almost entirely ceased, while the natural increase of population has been very rapid, as is always the case in a community recovering from the devastations of war.

HENRY GANNETT.



## CONSTITUTIONAL TENDENCIES IN FRANCE.

GUIZOT, who fully comprehended the genius of the American and English systems of government, once wrote :—

“If a free government admits of a variety of forms, it does not admit of a confusion of them. Of all the conditions of free government, the first and the most important is that responsibility — responsibility true and serious — should attach itself to the exercise of power. If power is not responsible, liberty is not guaranteed. . . . In the United States responsibility of power resides in the election of president, in the short duration of his term of office, and in the complete separation of his authority from that of the representative bodies by his side. The constitutional monarchy has accomplished the same end in another manner: it has declared in principle that the king can do no evil, and it has imposed upon counsellors all the responsibilities of his government. . . . One of the first liberties necessary under any government is the liberty of its own agents, the free and voluntary action of men who exercise its important functions and direct its springs of action. It is in consequence of this freedom of action that in all free governments, whether monarchical or republican, political parties spring up naturally and of necessity.”

This admirable summary of the conditions of free government shows precisely what is amiss in the public life of France. There is a confusion of forms, and true and serious responsibility does not attach itself to the exercise of power; and in consequence of this confusion the action of political parties is imperfect and unnatural. While there is a president, he is not elected by the people for a short term and released from dependence upon the legislative body; nor does he exercise the functions of a constitutional sovereign, and entrust his ministers with the whole responsibility of his government. It is neither presidential nor cabinet government; and while both president and premier are dependent on the legislative bodies, and especially on the lower chamber, political parties do not arise spontaneously and of necessity to support or to oppose the administration. The relations of president and premier are undetermined. There is a president, but his cabinet act independently of him. There is a premier, but he is not the central figure in the administration, invested with paramount authority over his associates, and supported by a stable majority in the legislature. There is a jumble of the presidential and cabinet systems without party government, as it is understood in either England or the United States.

Mr. Frederic Harrison, one of the closest students of French politics, expressed in 1875 the deliberate conviction that direct government was not really within the power of assemblies of any sort, and “that political action can only take shape through some personal

brain and nature, and will take the best shape when that personal organ is most free and permanent." Six years' experience under the tentative constitution then adopted has demonstrated the accuracy of this judgment. The presidential functions have been paralyzed; the cabinet has virtually disappeared in the Chamber of Deputies; the signs of what Mr. Harrison terms "democratic dispersion" are multiplied, and the overshadowing personality of a single brain and nature is recognized as the dominant force in the State. The most superficial observers cannot fail to perceive that the constitution cannot remain permanently as it now is. A closer approach will inevitably be made either to the English or to the American system; and, whichever direction legislation may take, there will be a more natural and logical development of parliamentary institutions under the normal conditions of party government. These three tendencies will be discussed in this paper.

First, a closer approach may be made to cabinet government. If the English system be followed, the president will represent what Mr. Bagehot terms the "dignified," and the premier the "efficient," part of the government. One will become the ornamental figurehead, while the other's hand will be on the wheel. The degradation of the presidential office, begun during MacMahon's administration, will be completed. The president will become a constitutional monarch, elected for a fixed term, and the premier will remain the responsible head of the administration so long as he can command a majority in the chamber. An English king invariably presided whenever the Privy Council met, until George I., who, being unable to speak the language of his ministers, fell into the habit of absenting himself from the meetings of the cabinet, and only required them to give him information and advice respecting affairs of state. This was the beginning of ministerial independence. If the president were deprived of the privilege of attending a ministerial council, a similar impulse would be given to cabinet government in France. The fact that the premier is not even named in the constitution does not stand in the way of his becoming the first power in the State. Mr. Gladstone has shown in a recent paper<sup>1</sup> that the British cabinet is wholly unknown to the statutes, and without a single line of law or constitution to determine its relations to the monarch or to parliament; and that the rights and duties of the premier, as head of the administration, are nowhere recorded. Yet the cabinet has come to occupy a commanding position between the crown and parliament. In Mr. Gladstone's phrase, "as the cabinet stands between the sovereign and the parliament, and is bound to be loyal to both, so the premier stands between his colleagues and the sovereign, and is bound to be loyal to both." A

<sup>1</sup> North American Review, September, 1878.



similar development of the cabinet system is possible in France, although there are strong reasons for doubting whether this result will ever take place.

Royalty alone can reign with dignity without accepting the responsibility of governing, and there are no great personages of this class who can be admitted to the presidential office. The Duke of Chambord, fussiest and most absurd of royal claimants, would not take it if he could get it; and the present heads of the Bonapartes and the Orleans princes are impossible candidates. Jules Grévy has almost a morbid horror of personal government, and is content to be the humble servant of the chambers; but it is not likely that even he could be prevailed upon to remain president if he were deprived of the privilege of offering advice to the council of ministers and subordinated in all respects to the premier. The first citizen of the Republic would practically renounce all executive pretensions. He would be as limp and helpless as the chairman of a Swiss bund. The relations of the political parties might be reversed by a general election, and the Chamber of Deputies might pass into the hands of the reactionary factions; and what self-respecting Republican could ask the Duc de Broglie or M. de Fourtou to form a ministry for him? Such a president would be a man of pith. A MacMahon or a Grévy may serve to fill a gap during a transition period, but eventually a ruler who cannot make some show of governing will not be tolerated, "The nation," wrote De Tocqueville, soon after the election of Louis Napoleon as president, "did not wish for a revolution, still less did it desire a republic; for though in France there is not a particle of attachment for any particular dynasty, the opinion that monarchy is a necessary institution is almost universal." That opinion has been reversed. The Republic, as Thiers told the Assembly, is accepted because it is the only government now possible. The failures of the past have been retrieved, its follies outgrown; yet there is an instinctive yearning, not perhaps for personal government, but for an executive system less impersonal than the present administration.

The ministry, moreover, has no control over the action of the legislative chambers. There is no system of constitutional checks whereby it can limit the prerogatives of a parliament which is practically omnipotent. The constitutional problem in France would be the converse of that which has been worked out across the channel since the Revolution of 1688. In England the tendency has been to bring the administrative council under the control of parliament, while in France the effort would be to release that council from a legislative control which deprives it of independence of action. An English statesman, who has been Chancellor of the Exchequer, has declared that the constitution has been reduced to a state of "tremendous

simplicity" since "the whole power of the country — all that we have read of as divided among the different estates of the realm — has really now centred itself in the House of Commons, and everything turns upon its will."<sup>1</sup> But parliament is only omnipotent in the sense that the ministry of the day is an executive committee whose existence depends upon itself. If the Government can be made to feel the pressure of the elective assembly by a vote indicating loss of confidence, the ministry in its turn can restrict the action of parliament. It can do this in various ways. It can modify the composition of the upper house by the creation of new peers. It can set aside the deliberative judgment of the House of Lords by resorting to a direct act of Royal Prerogative, as Mr. Gladstone's administration did in 1871 in abolishing purchase in the army. In the lower house it has the largest opportunity for independent action. It forms a working committee made up of the leaders of the dominant party, and can usually count upon having the active support of a majority of the Commons. It has the initiative of all important measures, and controls the procedure of the house at all stages of legislation. It has, moreover, through the prerogative of the crown, the power to put an end not only to the session, but to the very existence of the Commons. It is the lack of constitutional checks like these which places the French ministry at the mercy of the legislative chambers. It cannot change the relations of political parties in the Senate; it cannot dissolve or prorogue the Chamber of Deputies; it cannot have recourse to any exceptional acts of prerogative grounded upon monarchical privilege; and it has only the most restricted opportunities for independent action. Legislation is conducted by select committees, which hold secret sessions and work out all the administrative details of the government. All measures are discussed by the bureaux, and the ministers are called upon to modify them at the discretion of the committees. Government by legislative committees leaves the ministry a very scant measure of independence. There is no reciprocity of action between it and the chambers, and there are no constitutional checks whereby it can develop its own functions and emancipate itself from its present state of dependence.

Neither the constitution, the traditions of parliamentary government, nor the habits of thought formed during centuries of French history justify the expectation that the prime minister can ever become the first power in the State. Only once has the cabinet system been closely imitated. The cabinet of 1840, with Guizot as its master spirit, was supported by the party which had framed the constitution and placed Louis Philippe on the throne. The premier had acquired at the Court of St. James a thorough acquaintance with the English

<sup>1</sup> Mr. Lowe in the House of Commons, March 4, 1879.



system, and in introducing it into France he appealed to the same element which, under the Ballot Act, has come to exercise a preponderating influence in Great Britain, — the middle class, with its wealth and social prestige. Yet the experiment failed. A constitutional sovereign, an accomplished premier, a working cabinet, a compact political organization made cabinet government a reality for nine years. It was engrafted on the French system under the most favorable conditions for growth and assimilation, yet it withered and fell to pieces. The ultimate effect was to promote the efficiency of parties rather than to enlarge the functions of cabinets. When the marshal's reactionary advisers were voted down in 1877, neither the deposed premier, Jules Simon, nor the recognized leader of the opposition, Gambetta, became the next premier. Neither Dufaure, Waddington, De Freycinet, nor Ferry has been a premier in the English sense, for each in turn has been chosen to represent the dominant party in the lower house, and has never wholly succeeded in leading it and impressing his will upon the national policy. What does Lord Grey say about irresponsible leadership?

“If it should ever come to be regarded as not being wrong that ministers should retain office though they were no longer able to guide the proceedings of the House of Commons, there would cease to be in any quarter any effective responsibility for the prudence and judgment with which the affairs of the nation are conducted in parliament. Ministers could not be held responsible for the conduct of a Government they had no power to direct, and the only responsibility left would be that of the House collectively.”

This is precisely what has happened under every French administration since the establishment of the Third Republic. What is lacking is that reciprocity of action between the ministry and the chambers which in England gives to cabinet government organic unity.

Second, a closer approach may be made to presidential government. The ministry may be brought into subordinate relations to the chief executive. The president may cease to be a constitutional monarch like the King of the Belgians, and become a national executive empowered to administer the government through cabinet advisers precisely as an American president governs. The independence of the executive may be established in two ways.

First by allowing the people to elect the president. In this way he would become the direct representative of the people, elected for a definite term and independent of the legislative bodies in all matters of administration. But there is a fundamental objection to this radical change in the mode of electing the president. Even if the country could endure the strain and excitement of a presidential election, experience has shown that these direct appeals to the people afford monarchical aspirants and intriguers the opportunities which

they desire. The plébiscites which Napoleon III. ordered proved how extremely untrustworthy popular majorities may be. For the presidency for ten years in 1851 there were 7,437,216 yeas to 646,737 nays; the hereditary empire was carried in the next year by a vote of 7,824,129 to 253,145, and the amended constitution of May, 1870, adopted a few months before the downfall of the empire by a vote of 7,210,296 to 1,530,610. These enormous popular majorities, secured at a time when as Taine says there was no public life in France, have prejudiced republican leaders against presidential elections on the American plan. The present executive is a fanatical champion of the principle of legislative sovereignty, and will not be apt to propose any modification of his own system; nor will the National Assembly be willing to surrender the supreme power of electing the president.

Another method of establishing executive independence is by releasing the executive from dependence upon the legislative chambers. This change may take place after a period of inaction, during which French legislators learn from experience that the logic of republican institutions dispenses with the necessity of any such state-figures as a constitutional monarch, and that if they retain the power of electing and impeaching him, they may safely allow the president to conduct the administration without being harassed by legislative interference; or it may come after a storm-and-stress period of agitation and confusion when the legislative chambers are pitted against each other, and the executive functions of the administration are paralyzed; or it may be the outcome of some great crisis like foreign war, when the need of a stronger government is universally felt. This change, whatever may be the special conditions under which it occurs, will not require anything more than a superficial revision of the constitution. Unlike the premier, the president has an important check upon the Chamber of Deputies in the privilege of dissolving it and appealing to the country with the consent of two thirds of the upper house; and unlike the ministry his executive functions are not exercised in uncertainty, but are defined in the fundamental law. If one compares the executive powers wherewith the French president is vested with those exercised by an American president, there is a closer approach to equality than he is prepared to find. With the exception of the veto power, for which the privilege of dissolving the lower chamber is a partial offset, the French president is theoretically almost as powerful, in peace and war, as an American president. But these executive powers are held in suspense, being practically nullified by a single clause of the constitution which makes the ministry collectively responsible to the chambers, and deprives the president of his rightful authority by fusing the legislative and executive departments. Theoretically, the



president has the right to fill all official vacancies, civil and military ; but, practically, this privilege is exercised by the cabinet. The prefects, who preside over the municipal councils and are the political administrators of the central government, are named by the Minister of the Interior, and consequently their political leases depend upon the majority of the lower house. The reorganization of the cabinet in accordance with American precedents would give the president as much power over the civil service as an American executive has with the privilege of appointing from 86,000 to 100,000 public servants. The facility with which these changes can be made and the reserves of executive force stored up in the constitution strengthen the probability that the American system will be followed rather than English precedents.

In the third place, whether an approach be made to cabinet or to presidential government, there certainly will be a more natural and logical development of parliamentary institutions under the pressure of party government. At present, there are political groups on each side of the chambers, but there are no compact party organizations corresponding to the Government and the Opposition in Great Britain. When the groups of the Right had a majority in the National Assembly, they could not agree upon a substitute for the Republic ; and now that they are a hopeless minority of Bonapartists, Legitimists, Orleanists, and Clericalists, they are at war with one another and the State. Even if they could have their way they could not build anew, for when they had levelled existing institutions and cleared the ground they would quarrel over the foundations of monarchy. These factions do not form a conservative party under a progressive republic. They are simply reactionary. Their leaders know as little about the currents of public opinion in France as the sea-gulls following in the wake of a stout ship know about the Gulf Stream.

The republicans, on the other hand, are divided into as many as five groups. For two years there have been no distinct issues between the Right and the Left. Yet ministry after ministry have gone out of office in consequence of group dissensions in the Left. First, the Left Centre lost its supremacy in the downfall of the Dufaure ministry ; next the Left Centre was deprived of its representation with the disappearance of the Waddington ministry ; the De Freycinet ministry had its origin in the pure Left, and the Ferry ministry is moving from the same base towards the advanced Left ; and possibly it may be reserved for Brisson of the advanced Left to conciliate the extreme Left. These are group movements within a party, and not struggles between historical parties such as take place in Great Britain and the United States.

Party government in England had its origin in a fundamental dif-

ference of opinion in respect to the authority of parliament over the crown. This historical division may be traced to the transition period following the reign of James II. In like manner, the beginning of party government in the United States was a division of opinion respecting the relations of the Federal government to the system of States. These historical divisions have been widened by natural and artificial causes, until the system of double or alternative party government has been firmly impressed upon the character of the institutions in the two countries. There have been breaches of party discipline in England; there have been third and fourth party movements in the United States; and in both countries the original organizations have undergone radical transformations in constituent elements and public policy,—but the development of representative institutions has followed the historical lines of party government. In like manner there is every reason to expect that in France, whether an approach be made to the cabinet or to the presidential system, there will be a corresponding development of party government. This belief rests on two special grounds apart from the analogies which have been traced and the inherent tendencies of political government.

One is the gradual disintegration of the monarchical factions which have retarded the growth of a genuine conservative party. It scarcely seems possible that the feeble groups of the Right represent the victorious coalition which overthrew Thiers and put MacMahon into the presidency in the confident hope that he would become a second Monk. It is only seven years since the Legitimists and Orleanists, forming a majority of the National Assembly, agreed to propose a restoration of monarchy; yet their political power is now utterly broken. The Comte de Paris and Duc d'Aumale have disappeared from view. The Comte de Chambord has shown himself to be a pretender without tact and without courage, and the compact party of two hundred and fifty Legitimists elected to the National Assembly in 1871 has dwindled into insignificance. The grandson of Charles X. could not command sufficient support to have the semi-centennial of the overthrow of his house suitably commemorated. Bonapartism has shared the degradation of Legitimist monarchy. If the Prince Imperial had lived, the party might have retained its cohesiveness; but Prince Jerome Napoleon is the very leader of all others to dissipate its chances. What was once an irresistible political force is now a lost cause.

The alternative is the fusing of the republican groups into an organic party with a recognized leader who will not shirk the responsibilities of political power. While Jules Simon, Waddington, Dufaure, and De Freycinet, representing what may be termed the old Whig



section of French liberalism, have met with temporary successes in the upper house, they cannot in the face of the recent department and municipal elections expect to retain control of that body, much less to organize a new party in the lower house. It is Gambetta himself who will rally about him the various sections of the Left Centre, the pure Left, and a portion of the advanced Left; and the Gambettist party will be at once progressive and conservative. If I read the signs of the times aright, the Chamber of Deputies to be chosen in 1881, after the *Scrutin de Liste* has been substituted for the present mode of election, is likely to be divided between the Gambettists and the non-Gambettists,—the minority being made up of irreconcilables and the more radical members of the advanced Left, and the representation of the monarchical factions being inconsiderable. This will be a closer approach to party government than has yet been made under the constitution.

It is impossible to resist the conclusion that the form and direction which constitutional government will take in France will be determined by the personal preference of a single leader. Under a tentative system such as was devised in 1875, the great offices are likely to become precisely what the men who fill them can make of them. Jules Grévy as president of the Chamber of Deputies was a quiet and efficient presiding officer, like the speaker of the British Commons. His successor has made the office one of commanding influence. He has not only organized what is fast becoming the best working system of legislation in existence, but he has also shaped the public policy, set up and knocked down ministries like so many ten-pins, and exercised a supreme influence over the administration. Rochefort has nicknamed him the "Pope of Opportunism," from whose decisions there is no appeal in the political Vatican. Gambetta may become premier or president, but whichever office he takes will soon overtop the other. His acceptance of either would be a new point of departure. From that moment the constitution will cease to be a jumble of systems. Let him become premier, and a closer approach will be made to cabinet government. Let him become president, and a closer approach will be made to presidential government. But he is not likely to waste his political force by becoming either president or premier, until the groups of the Left are reorganized into a cohesive and homogeneous party.

Gambetta is without a rival in the public life of France. In the highest sense he personifies the Third Republic. Its abhorrence of an Imperialism which cheated the people out of their liberties found expression in the eloquent speech in which he defended the deputy who had perished in the barricades at the time of the *coup d'état*,—a speech that echoed through the Tuileries, and warned the crowned

intriguer that freedom had not been left without an advocate. Its despairing energy flamed up in the superhuman energy of the Dictator, who when the cause was irretrievably lost created armies and breathed into them the spirit of his own unconquerable resolution. Its morbid dread of revolutionary excesses was dispelled by the master spirit who began the work of political reorganization by reminding the most restless constituency that it was the social question that frightened the Bourgeoisie, and that republicans must prove that it had no existence. Its retributive justice was meted out by the deputy who decreed the downfall of the Empire and the creation of a Provisional Government. Its conservative prejudices were respected and its progressive tendencies promoted by that spirit of Opportunism which has alternately repressed and stimulated its creative energies since the war with Germany ended. He is the embodiment of the Third Republic,—its past, its present, and its future; its history written in blood and tears; its splendid achievements and solemn warnings; its advance in self-government, its self-possession under temptation, its educational development, its emancipation from clerical domination, its recuperative energies, and its magnificent opportunities. The man is the epitome of the cause. He is more than a leader,—he is a political force held in reserve. Let that force be brought to bear upon the framework of the constitution, and a redistribution of public powers must follow.

I. N. FORD.

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## RECENT CHANGES IN JAPAN.

IN spite of the fact that everybody is now tolerably familiar with articles of Japanese workmanship, and every parlor of any pretension has its corners for choice bronze-pieces or bits of old china, very little seems to be known in America about the people who produce these favorite knick-knacks. Even well-educated persons freely confess their ignorance of Japanese affairs. They know in a vague way that vast changes of some kind or other are taking place in that country, but of exactly what nature and of what significance these changes may be they do not, as a general thing, care to investigate. A little study will, however, convince any one that the social phenomena now apparent in Japan surpass in interest any work of art which she has ever sent abroad. It is the design of this paper to give a brief sketch of the causes, extent, and meaning of the reforms carried out during the last score of years, and to show that



in this crisis thoughtless acts on the part of America and Europe may affect most intimately the prosperity and well-being of thirty-three millions of souls in the far East.

For this purpose let us first look back, say forty years, and examine the condition of the country at that time. We shall find at the head of the government the Emperor, or Mikado, — the so-called “spiritual emperor” of foreigners. He had not only a divine right to govern, but according to the ancient mythology, was actually descended from the very gods. From the dawn of authentic history, 2540 years ago, when the Emperor Jimmu subjugated as much of the country as was then known and made himself its ruler, the dynasty has come down uninterrupted till to-day, the present emperor being the 121st of the line. It will easily be imagined that antiquity alone would give a character of sacredness to the Imperial family; and, as a matter of fact, its title to power is so firmly rooted in the Japanese mind that it is considered to be something almost as unalterable as the laws of Nature. It is a curious circumstance that during the last thousand years or more all who have taken up arms against the Government, with a solitary exception, have never contemplated, in the wildest imaginings of their ambition, to set aside the Emperor, but have directed their efforts entirely against certain ministers or generals under him. This is no doubt partly explained by the fact that from the latter part of the twelfth century till the Revolution of 1868, excepting a short period in the fourteenth century, the Emperor’s power was only nominal. In the constant warfare which disturbed the country for hundreds of years the military chieftains became all-powerful; and when any one of them conquered the rest by superior strength, the Emperor was obliged to confer on him the office of Sēr-Taishiogun (the Commander-in-chief for the subjugation of the Barbarians), generally known simply as Shiogun. Thenceforth he and his descendants wielded the actual power, until driven from control in their turn. The political history of Japan from the close of the twelfth century to the beginning of the seventeenth is a record of successive families of Shioguns, each of which, after running its course, has become disintegrated and been followed by another more vigorous and powerful than the rest of the competitors for the government of the country. At the latter period Tokugawa Iyeyasu, having made himself master of the situation and subjugated all the lesser chieftains, was made the Shiogun. His wonderfully able, though thoroughly selfish, system of legislation made the foundations of his dynasty so secure that it continued in power for over two hundred and fifty years. Hence, if we go back forty years as proposed, we find, under the inactive supremacy of the Mikado, one of Iyeyasu’s descendants occupying the office of Shiogun. The true sovereign, although revered like a god, was shut

up in his palace in Kioto, and lived in utter isolation and comparative poverty. This fact, no doubt, led the Dutch to attribute to him the title and functions of "spiritual emperor." The practical government was in the hands of the Shiogun, whose seat was at Yedo. Under him came a body of lesser military chieftains, known generally by the title of "daimios." These were about two hundred and fifty in number, and ruled over their respective domains as absolute masters, some being extremely rich and powerful and holding sway over two or three provinces: they were in fact great feudal barons. Next in rank to the daimios were their numerous retainers, constituting the "samurai" grade; and these were followed by the main mass of the people, — farmers, artisans, and merchants. Forming the lowest stratum of society were "etas," comprising tanners, butchers, executioners, and those of similar trades. They were considered below the human level, and any intercourse with them was thought to be polluting.

The samurai, or soldiery, were by far the most intelligent class in the country, and all the impulses and ambitions which have lately started Japan on her new path may be said to have come solely from them. They were originally warriors, and until within a few years always carried two swords, one large and one small, as the sign of their profession. Their traditions, their virtues, their code of honor were so peculiar that it is worth while to give a few moments to their consideration. The main spring of their existence can be summed up in one principle, — absolute devotion to their masters. They cheerfully, and at times almost recklessly, gave their lives for their lords. They were never so grateful to their masters as when entrusted with hazardous or dangerous missions. Their submission to superiors was so absolute, that even if accused on unjust grounds they would submit to punishment, sometimes of death, without murmur or complaint. The manner in which they tried to bring back to the right path their erring masters was highly characteristic. They would memorialize them, and then commit suicide by "hara-kiri;" for their idea was that it would be disrespectful to speak against the pleasure of their lords, and yet highly disloyal to allow them to go on in a mistaken way without trying to dissuade them. There was but one thing for a true samurai to do; he must respectfully speak his mind, and then apologize for the audacity with his life. This has occurred not only once or twice, but I may say, without exaggeration, hundreds of times; and, in spite of all the recent changes, the spirit which has prompted such deeds is not yet dead. One of the petty army officers quite recently killed himself before the gate of the Imperial palace. A memorial was found on his body, and although the Government has not disclosed its purport, the circumstances make it evident that it was a petition to the Mikado to listen to the popular demand for a national assembly.



This is, I should say, an old way of advocating a new idea, but I for one cannot help admiring the earnestness and devotion which characterize such an action. It certainly seems a decided improvement on the Nihilist plan of blowing up emperors. One of the most affecting passages in Japanese history, which was read with moistened eye by fierce samurais, is the story of a young general who tries to dissuade his father from rebelling against the Government. He exclaims pathetically: "If I wish to be loyal to my master, I cannot be obedient to my father; if I am obedient to my father, I cannot be loyal to my lord. If you must rebel, first slay your own son, and then go!" Little circumstances sometimes made great impressions on a samurai, as an incident will show. A famous hero, after conquering two rebellious brothers, kills the elder, but saves the younger's life and keeps him as a retainer. One night the general goes out unattended, except by the new servant, who intent on revenge, one of the prime duties of a soldier, determines to attack the enemy of his family. But when he looks into the carriage he finds his master fast asleep. The magnanimity which thus reposed confidence in him strikes him as being in such a thorough contrast to his own base intention that he feels perfectly ashamed of his ingratitude, and ever after becomes a most faithful servant. The samurai's delicate sense of honor showed itself in many other ways. In single combats it was considered cowardly to attack an enemy unawares, or when he was down. The true soldier utterly despised commercial transactions and pecuniary gains. He said, proudly: "We leave petty money-matters to merchants; we are knights, concerned only in matters of honor, war, valor, and patriotism." He felt somewhat offended, perhaps, if a receipt was demanded from him in a financial transfer: it was like calling his honor in question. He carried the contempt of trade so far as to look on the art of reckoning as decidedly vulgar. His children were not allowed to handle coin. I have seen grown-up boys from the provinces come to Yedo<sup>1</sup> utterly inexperienced in the simple art of using money. It will easily be seen that the true samurai was a somewhat unpractical being; of weaknesses he had no doubt many, but his integrity, his honor, his chivalrous sentiments, his unselfish devotion to what he considered right no one can help admiring. Whoever cares to learn more about the spirit of the samurai may find it well illustrated in the story of the "Forty-seven Ronins," in Mitford's "Tales of Old Japan," or in the volume on Heroism, in the Little Classics series.

Defective and oppressive as the rule of the Tokugawa Shioguns was, I doubt if we as a nation shall ever again be as happy as we were forty years ago. The profound peace which had lasted over two hun-

<sup>1</sup> The modern name of Yedo is, in Japanese, Tokio. Although the former is at present better known in America, the latter is gradually displacing it.

dred years enabled every person to find his place in society. Living was cheap; life and property were secure; art and industry were flourishing. If there were no fabulously rich men, there were few destitute. Shut up within ourselves, we had no foreign troubles. Apparently everybody was satisfied. The samurai class having no occasion for their original profession devoted themselves to study and learning, and flourished as never before. Scholars of eminence arose; famous colleges were scattered through the country. Some eager inquirers had even courage and patience to penetrate by themselves the mysteries of the Dutch language, and to introduce the Western medicine and sciences and the history of the outside world into their country. Of the effect of this new learning I shall have occasion to speak again. Yedo in those days was a gay place. Besides the Shiogun living there in splendor in his castle, all the daimios were obliged to dwell in the city for a certain period of each year, and their palaces formed one of the characteristic features of the capital, and added much to its picturesqueness. The throngs, the wealth, the festivals of the city were noted throughout the country. Every Japanese hoped to see and taste the pleasures of the metropolis before he died. To us of the present day, when we hear of the glories of the "flowery Yedo" under the Tokugawas, it seems as if the sun must have shone brighter, and the air must have been balmy in those days. I believe that in after-years we shall look on that portion of our history very much as a man looks on his unconscious happy childhood.

We must, however, now proceed to inquire how this state of peace came to be disturbed, and how a period of the utmost anxiety and trouble followed, and it will be seen that the United States are closely bound up in the recent history of Japan. I have said that learning flourished under the Tokugawas. In the absence of sciences history was very closely studied, and one result of this was that the true position of the Emperor began to be known. It was widely realized that the Tokugawas were military usurpers, keeping the legitimate sovereign from the exercise of his authority. Patriotic scholars spoke in regretful tones of the days gone by, when the Emperor wielded the sole power; extolled in glowing terms the loyal generals who for a short period in the fourteenth century brought about a revival of the imperial sway, and condemned with righteous indignation the traitors and usurpers who put an end to that brief Restoration. Thus there grew up gradually a party which might be designated "Loyalists." It has been explained that Tokugawa Iyeyasu obtained the control of the country by subjugating a great many lesser chieftains. Now some of the more prominent among these conquered leaders, although they submitted to necessity and superior strength, never



yielded from their hearts, and always looked upon the Tokugawas as oppressors and tyrants. Conspicuous among them may be mentioned the two powerful daimios of Satsuma and Choshu, in the southwestern part of the empire. Their discontent, in which many of their class shared, and the desire on the part of all loyalists to see the Emperor reinstated as the true head of the nation, may be said to have supplied the motive power to the lever which was to lift the Shogun's government from its foundation. The lever itself was furnished by foreign nations, led by the United States. In July, 1853, there appeared suddenly in the Bay of Yedo an American squadron under Commodore Perry. Japan had been in direct communication with Portugal, Spain, Holland, England, and Rome in the sixteenth and seventeenth centuries, and at one time a large portion of the inhabitants on the extensive southwestern island of Kiushiu were Roman Catholics. We read of the baptism of thousands in a single ceremony. Christianity pervaded society, and we find among its adherents many noted figures in the history of that epoch. One prominent feature of the castle architecture of Japan—a tower called “Tenshukuwaku”—had its origin as a place for Christian worship. But all intercourse with foreigners was stopped by most vigorous measures, when it was discovered that the Jesuits were determined to meddle in the domestic politics of the empire. Japan was entirely closed to strangers, with the exception of the Dutch and Chinese, and applications for treaties of peace and commerce were for a long while rejected peremptorily and without difficulty. But the man who appeared in 1853 was firm. We said that we did not want to have anything to do with foreigners; that it was against our usage. But Commodore Perry haughtily declined to leave us, and pressed his demands with earnestness and decision. He addressed himself, be it remembered, to the Shogun under the impression that he was the “temporal emperor.” The latter now found himself in an embarrassing predicament. He was pressed on the one hand by a strenuous outside power which was apparently willing to resort to force, if necessary, to attain its end, and on the other hand he was commanded by the Emperor never to open the country. Both were equally firm. The Shogun's government did not dare to take the important step of entering into friendly relations with a foreign State without the permission of the Emperor, and this could not be obtained. Nevertheless, Commodore Perry could not by any argument be induced to go away, save for a few months. The dreaded approach of the stranger had thus suddenly become a disagreeable reality. The agitation throughout the country was great. Public opinion was divided, but the majority was for adhering to the policy of seclusion under any circumstances. I think the Shogun's government realized, better than anybody else, the defenceless con-

dition of the empire ; and finally yielding to outside pressure took on itself the responsibility of concluding a preliminary treaty of peace with the United States, and of opening two ports to her citizens. The situation did not, however, improve. Scarcely were the Americans out of sight when Russia, Holland, and England followed in their footsteps, demanded similar privileges, and obtained them from the Shogun. Even then there was no relief for the Yedo authorities. Mr. Townsend Harris, the American representative, soon appeared on the scene and pressed most vigorously for a treaty of commerce. The Emperor had not yet sanctioned the proceeding ; but the Shogun, now thoroughly in despair, determined on the policy of opening the country, and, giving no further heed to the Imperial order, he concluded commercial conventions first with America, and soon after with England, Russia, Holland, and France. The indignation at the court in Kioto, and of self-styled patriots throughout the country, knew no bounds. The Shogun had openly set at defiance the authority of his sovereign, who in great anger issued new commands to close the country ; and the cry, "Restore the Emperor and expel the Barbarians !" rang through the land. In addition to all this, as if the gods were in anger with the misdeeds of the Government, there came in those years a series of most fearful natural calamities. Terrible shocks of earthquakes followed one after another in rapid succession, and in one of them over one hundred thousand people were killed in Yedo alone. Not even thus satisfied, the fury of the elements vented itself in a severe storm, which carried off another hundred thousand from the already afflicted city. Nor does this complete the frightful list. An epidemic of cholera broke out, and thousands of persons perished by it. Those were indeed the years that tried men's souls.

When the Tokugawa government resolved to abandon the traditional policy of seclusion, no doubt it adopted the only possible course open to it without positively ruining the country. But its downfall may be said to have been determined from that time. From the conclusion of the treaties with the Western powers in 1858, till its overthrow in 1868, its troubles never decreased. We cannot, however, dwell on details. Suffice it to say that the court at Kioto became a scene of intrigues and *coups d'état*, and whichever side had the possession of the Emperor's person was for the moment the imperial and legitimate party. At one time the pressure on the Shogun's government was so strong that it was obliged to fix a date for total suspension of intercourse with foreigners ; but happily a movement in his favor rendered it unnecessary to carry out the plan. Loyalists, however, made several serious revolts ; and the Daimio of Choshu, in open rebellion, defeated the Shogun's army in several



battles. Utterly exhausted, the Tokugawa family, whose rule had lasted over two hundred and fifty years, finally fell; and the Mikado was declared in January, 1868, to have been restored to his lawful authority, of which he had been unjustly deprived for eight hundred years.

It is this return to the old régime which has made all the recent reforms possible. When the Imperial government came into power, it did not maintain its declared policy of seclusion, no doubt finding it simply impracticable to do so; and then came into play a social force which had hitherto been lying dormant. I have mentioned that a few men, with the patience and intelligence only secured to those who have made out ancient hieroglyphics, successfully unravelled the mysteries of the Dutch language, and introduced into Japan Western science and literature. Commodore Perry expresses his surprise at the knowledge of the Japanese concerning European and American affairs. He was not aware that there was a circle—a small one to be sure—of earnest students who had inherited the zeal of the first workers, and were digging into the rich mine of Western literature. As time went on, this new learning became tolerably well spread, and opened the eyes of many an intelligent man to the grandeur of the European civilization. From Dutch to English, and thence to French are comparatively easy steps, and these latter languages began to be somewhat understood. Be it said to the honor of the Tokugawas, that in their closing days they encouraged the new knowledge, and even established a special school for the study of foreign languages, the germ of the present University of Tokio. When these rulers made treaties with the European powers, they naturally turned for advice to the scholars of Western letters, already at the time of the Shogun's downfall acknowledged to be the coming learning. When the Emperor was restored to his legitimate rights, and the fact was realized that if Japan were to hold her place among nations sweeping reforms were necessary, the new social force in question found opportunity to do its utmost. The restoration of the Mikado was a return to an old system, but it was to one so old that it was equal to beginning everything anew, and made changes of all kinds very much easier. In my opinion, all the reforms of late years are in a very large measure the direct outcome of this peculiar knowledge. Therefore, marvellous and rapid as the recent social revolution has been, it seems to me that it is not so sudden as is commonly supposed. To attribute it, as some seem inclined to do, to Iwakura's mission to America and Europe, or to any similar cause, would be as absurd as to wonder how large rivers generally manage to pass through large cities. The seed was sown more than one hundred years ago, when three obscure physicians in their thirst for truth determined to un-

derstand a Dutch treatise on Anatomy.<sup>1</sup> It fell on a most favorable soil, for the profound tranquillity under the rule of the Tokugawas had encouraged literary pursuits, and the severe discipline of Chinese metaphysics had greatly raised the intelligence of the average man. New ideas were comparatively easy to comprehend and to appreciate ; but owing to such peculiar circumstances as the total seclusion of the country the exotic did not bear fruit, until a totally altered state of affairs made it possible. One of our well-known authors has epitomized the situation: "We are indebted to the Western nations for their ideas, but we have to thank only ourselves for having made ourselves intelligent enough to understand and utilize them."

How shall I give any adequate idea of the changes which have taken place since the Restoration? To describe simply, as is often done, how railroads have been built, how a net-work of telegraph-lines have been spread over the country, how the coast has been lit by light-houses of most approved modern engineering, how the postal system in communication with all the civilized countries is in good working order, how the Army and Navy have been reorganized, how a systematic educational scheme has been inaugurated, how colleges and universities have been founded,—I say, to describe simply how all these and a thousand other innovations and improvements have been introduced would tell a great deal, but could not convey the true significance of the social revolution. The marvel is in the change of the national spirit which has made these things possible. I cannot perhaps do better than to illustrate it by mentioning some phases of it which I have either myself gone through or have intimately witnessed.

At the time of the Restoration the feudal system was still in full operation. The creed of the samurai being summed up in one expression, "Devotion to our masters," the respect paid the daimios was so profound that it cannot perhaps be conceived by citizens of a Republic. To give a slight idea of this, it might be mentioned that anything used or handled by those noblemen was thought to have been rendered so sacred that it could be the means of curing effectively some diseases. Certain of the most powerful ones among the class had the privilege of making people kneel, as they went along the streets of Yedo with their long retinue. I remember, when a small boy, being made to submit to this ordeal many a time, or willingly doing it in order to see gaudy feudal pageantry. I recollect

<sup>1</sup> The growth of the study of the Dutch language was somewhat gradual. Before the time of these three men, Arai Hakuseki had collected a large amount of information about foreign lands, and several had made futile efforts to master Dutch ; but the credit of having successfully unravelled a Western language is due to Sugita, Mayeda, and Nakagawa, — names ever to be honored in the annals of Japanese scholarship.



that at such times I used to look with awe on richly-lacquered palanquins in which proud landed lords were carried. I have since met both in Japan and in America many daimios, with whom I not only associate on the level of perfect equality, but feel as I act, and who on their part behave in the same way toward me. We laugh and regret that the days are gone by when they could cure chills and fever by their virtue. I may go further. I have often spoken with one of the Imperial princes, whom, if the old state of things had continued, I should no more have thought of *seeing* than I should have thought of travelling to the moon. I remember perfectly well the time when some of the principal streets in Yedo were closed to the populace whenever the Shiogun had occasion to pass through them, lest vulgar eyes should gaze even at his retinue. Now the commonest people can see the Mikado himself, before whom even the proud military ruler of by-gone days had to bow down. Not long since a samurai had the right to kill at his pleasure any farmer or merchant whom he might find riding on horseback. It was only a few years ago that a man was refused permission to enter in his own legal status what is now the University of Tokio, simply because he belonged to the farmer class. This same person was the *chargé d'affaires* of Japan in Washington a short time since. The despised "eta" class has been raised to the level of the common people, and the prejudices against them are destined to die out before very long. All these facts seem to indicate unmistakably that, although the class-system still exists legally, the class-feeling is being torn down mercilessly and with apparent unanimity on all sides. Along with this, the disappearance of narrow sectionalism has also rapidly been going on. In the days of feudalism the country was divided into many quasi-independent States, each governed by a daimio, and petty jealousies between them can only be appreciated by those who have shared in them. For instance, a person belonging to one would be very careful, in speaking to a person belonging to another, to use the expressions, "Your honorable country" and "My poor country." But fortunately all this has, to an incredible degree, gone away with the system which fostered it. We are first and last citizens of united Japan under one government, and whatever rivalry there may be between different parts is mostly of a healthy nature. If I should think any district or province to be especially inferior in any point, I should not now hesitate to speak of the fact even to a person belonging to it, — a thing which I should have been very cautious about doing a short time ago.

When Townsend Harris, the first American representative in Japan, pressed for an audience with the Shiogun a little over twenty years ago, it was granted only because it was demanded with cannon behind it. Many of the daimios protested, and some of the more pow-

erful refused outright to have any share in the ceremony which, they thought, was to disgrace their chief. When the port of Hiogo was first opened, not fifteen years ago, an express stipulation was made that no foreigner should be allowed to go within ten miles of Kioto, the sacred residence of the Mikado. In 1879 the Emperor not only gave audience most willingly to General Grant, but took special pains to have private interviews with the American citizen, and to talk over the policy of the empire. I met sometime ago, in New York, a gentleman who had come to America in order to buy some machinery for a petroleum company of which he was the president. Not many years ago this very man was plotting an attack on the foreign settlement of Yokohama as a step towards expelling the hated Barbarians. His is only one case out of thousands. Nothing is more complete than the reversal of our feelings towards the nations of the Occident. In fact, all the recent reforms are nothing but readjusting ourselves to this change of sentiments.

I was once at a school where the radical spirit was rampant. Although most of the students belonged to the samurai class, they were against any distinction of caste, and made it a point not to carry about any sword, — as is customary with those of their rank, — but to dress like the common people. Most of them were grown-up men, it must be remembered, and not boys swept away by childish freaks of enthusiasm. The spirit of reform was caught from the head-master of the school, — a man who has done a great deal for the regeneration of Japan. One day one of the principal men among us was accosted by several fierce-looking samurais with disagreeably long swords, who reproached him with losing sight of the grand traditions of the class, and, although doing no violence to his person, cut to shreds a piece of wearing apparel he had on. At the present day there is not only a police regulation against anybody carrying swords, but apparently everybody acquiesces in it. I also used to see, in the same school, a man who may be said to have undergone in himself the change which the whole country has passed through. He was at one time a student of the old Shinto religion and the mythological literature, a rampant loyalist and a hater of foreigners. He met the master of the school I speak of, in one of the latter's journeys. Talking about the matter, I have heard him say that he thought at that time that it was inexcusable in him to let one live who was doing so much to introduce foreign ideas. But in a discussion which he had with Mr. F. he was brought to see that the Europeans were not such barbarians after all, and that there was something in their civilization. So he began to study in the school of Mr. F. In the new Japan, where everybody has to earn his own bread by the sweat of his brow, this man is carrying on a successful business, and I see his name quite



often in newspapers as a prominent member of the Tokio Chamber of Commerce.

I hope I have now given some faint idea of the profundity of the changes which have taken place within the last decade. I must leave to the reader himself to imagine the spirit of reform of which the incidents I have given must be considered as simply illustrative in different phases. I pass on to consider very briefly the constitution of the present government.

From the overthrow of the Shogun to the abolition of the feudal system is but one step. The sentiments in favor of restoring the Emperor to his full power were so overwhelming that some of the strongest daimios, with unparalleled self-denial, volunteered to abandon their dominions, and thus paved the way for the final decree of 1871 by which the whole feudal system was swept away. All the daimios retired to private life, and form at the present time the harmless class of "kuwazoku" or nobles. No doubt feudalism had lost its strength long before, but the putting an end to it without any immediate bloodshed is one of the things we may well feel proud of having accomplished. The Mikado is therefore now the ruler of the whole empire in name and in fact. Under him there is a council of advisers called *sangis*, constituting the cabinet. Until within a short time they were also the heads of different departments, but by a late decree the latter, with the exception of the ministers of foreign affairs and of colonization, are now a totally separate set of men, and attend simply to the routine duties of their respective portfolios. The cabinet including the prime minister and junior prime minister is above them, and may be said to be the true government of the country. A committee of two or three *sangis* devotes itself specially to each department. There is a deliberative body called the *Gen-ro-in*, often translated the Senate, having certain limited legislative powers. The members are, however, nominated by the Crown. To facilitate administration, the country is divided into forty very large districts, the governors of which are appointed by the central government. There has lately been instituted in each of these divisions a local assembly, the members of which are chosen by the popular vote. It adjusts district taxation, the school tax, and other local affairs.

In all these changes which have taken place lately it is impossible that there should not be a strong opposition. There have been several rebellions, the last of which, led by the elder Saigo, was the most serious. The new government has, however, proved strong enough to overcome all resistance, and to continue steadily its progressive policy. Cabinets have often changed, but the spirit of reform never flags; the more intelligent portion of the nation is thoroughly imbued with it, and a generation better equipped than the present to carry it out

and to attend to details is fast rising. All this is a guarantee of the permanency of the new movements. Those who criticise us as liking changes merely for the sake of changing, and prophesy the speedy abatement of our enthusiasm, can only have made a superficial examination of the situation. No doubt it is true that much of what has been done is merely external, but those who have followed me thus far will allow, I think, that along with whatever must be condemned as shallow there have been profound changes in the inner life of Japan. The swiftness with which the social revolution has been accomplished excites in many the suspicion of superficiality, but we have seen that the preparation for it had been long, and the country was more than ripe for it when it came. In fact, I believe it is only on account of the peculiar circumstances with which Japan was surrounded that it overtook us like a shock. Under slightly altered conditions it might have been gradual, and would perhaps have crept in without having much attention drawn to it; but every one has noticed with what astonishing rapidity fully matured pods of some plants will fly open at the slightest touch and scatter seeds in all directions.

Before I conclude, I must speak on two of the questions which engage at the present day the attention of the Japanese statesman, — the questions of the creation of a national assembly, and of the revision of the treaties with foreign powers. There has steadily been growing in the public mind a demand for a greater participation by the people in the government. On one point happily there do not seem to be two opinions: it is admitted on all sides that there must sooner or later be a representative body chosen by the masses. The only question is, how soon it should be established. The Government, without doubt, has in view the ultimate creation of such a House, and intends the local assemblies just instituted to be simply stepping stones to it. They are, I believe, meant to accustom the people to the significance of the popular franchise; and in my opinion, looking at the question from this distance, the time has not yet come for a national legislative body. The passage from the feudal system to popular representation in ten years is too great a strain on even so elastic a nation as Japan. Moreover, by far the largest portion of the people is utterly indifferent, the demand coming loudest from the disaffected samurais. It seems to me, therefore, that a delay of ten years would do no harm to the country. Meanwhile, the system of local assemblies will have somewhat accustomed the masses to the new idea; they will have tasted the bitterness of controlling their impatience under defeat, and realized that popular representation is not the panacea for every evil, as some imagine. General education will have spread more extensively, and a generation born under the new régime will also have arisen. Then, a constitutional monarchy wisely planned may indeed be a blessing to the nation.



The second question mentioned above, — that of the revision of the treaties with foreign powers, — I can not approach without mortification and indignation. Wide and deep as the sympathy with the new movements in Japan is in America and Europe, it would be supposed that we have been encouraged and helped along in a friendly way by the Western nations. But it is too true that the contrary is the fact. Nay, we have been hampered on every possible occasion in carrying out our legitimate plans. Knowing full well the meaning of the words I use, I deliberately denounce the policy of the European powers, especially that of England, towards Japan, as being selfish, unjust, cruel, brutal, and at times almost fiendish. The opium war in China is tolerably well recognized in its true light even by the nation which perpetrated the wrong. That is, however, but typical of the doings of England in Japan at the present day. It will be remembered how foreign nations extracted treaties from the Shiogun's government at the cannon's mouth. When one side is wholly inexperienced and is obliged to yield because it otherwise fears violence, any contract is apt to be one-sided; and so in truth are the treaties Japan has had to make; the mere perusal of them will carry the conviction of that fact. Perhaps the articles that gall us most are those relating to the tariff and the consular jurisdiction, because they take from us some of the sovereign rights to which we as an independent nation are entitled, and because their meanings have been twisted to cover most unwarranted deeds. According to the treaties, we must not levy on any goods imported the duty of more than five per cent *ad valorem*, which in actual fact comes down to only about three and a half per cent; and if a foreigner commits any unlawful act he is to be judged by the consul of his own nation. Imagine the difficulties of a Government whose hands are tied in the adjustment of import and export duties. I would remind those writers in English journals, who with ill-concealed glee pretend to be shocked at the fact made known by a recent traveller that people in some parts of Japan are in a wretched state, — I would remind them, I repeat, that their nation is in a large measure putting obstacles in the way of improving the condition of our peasantry. Being prevented by unjust stipulations from deriving anything like the proper amount of revenue from tariff, we have to levy a heavy land-tax on farmers, who constitute the largest mass of our population, and who should be burdened as lightly as possible. We appreciate the situation keenly, but we are powerless to do anything in the matter.

Until the advent of the present American minister, all the foreign representatives were accustomed to act in concert, and to extract concessions from us with the force of all the civilized world to back them. The most active among them in the work of mischief

and of humiliating us on all possible occasions is the English minister, Sir Harry Parkes. Every one of us knows how he, in imitation of the great Napoleon, smashed a wine-glass in a conference, and said he would shatter our government in like manner; how, in a moment of passion, he assaulted and beat one of our ministers; how he told the Prime Minister that he would line the Bund at Yokohama with British troops to enable Englishmen to land wherever they might choose, instead of at the custom-house according to the treaties. Some of his deeds would be simply laughable, if we were not the victims of them. He who is the representative of a nation boasting of absolute freedom of the press forced the Japanese government to make a regulation by which we must not call the Queen of England exactly what she is, — the Queen of England: we must call her the Mikado of England! Incredible as it may seem, he actually had the audacity to demand that certain writers be punished, because they used the expression the "Queen of England."

To give examples of the justice administered in foreign consular courts, I may mention the instance of an Englishman who was accused of outraging a woman. The evidence was so overwhelming that the English consul could not very well refuse to punish the criminal; but what was the penalty? — imprisonment only for a month or two! Again, there is the celebrated Hartley opium case. Profiting by the experience of China, if there was any one thing we made most certain in the treaties, it was that no opium should be imported into Japan. An English merchant named Hartley was caught smuggling the drug, and brought before the British Consular Court. Perhaps no judge ever had his duties plainer before him; but the remarkable decision rendered was that the opium smuggled in was for medicinal purposes and not for smoking; hence, the accused was not guilty and was dismissed! How any man who is not utterly blinded by self-interest can render such judgment as this cannot be conceived; for the treaties say, in black and white, that the importation of *opium* is prohibited, and do not say anything about *medicinal* or *smoking* opium, let alone the question whether there is any difference at all between the two kinds. I shall give another example of diplomatic tricks. We justly believe that the postal system we have inaugurated is of a high degree of efficiency. The United States early recognized our claims, entered into a special treaty with us, and removed its own post-office from Yokohama. Later, when we were admitted into the International Postal Union, we naturally demanded that all the other foreign post-offices should be closed. It would have been strange, indeed, if the English minister had acted in a straightforward manner. He would not remove the establishment of his own nation, although in this he was meddling with the affairs of the Governor of Hong Kong



who had the postal matters in charge, and who was fighting Parkes in every possible way. Finally, when he was obliged to yield, he put in a claim of \$10,000, in a vague, general way. Being asked for details, he reduced it to \$5,000, asserting that the buildings were valuable, and requiring payment for the ground on which the office stood. I have it on the very best authority that the English property was not worth more than three or four hundred dollars, and that the lot was only *lent* by the Japanese government to England.

Perhaps that which caps the climax is the action of foreign powers in regard to the quarantine regulations. America fortunately forms an honorable exception. The British minister claims that we have no right to make regulations to protect our people from visitations of contagious diseases without his consent and permission. English vessels never obey our quarantine laws, but follow the rules made by their own consuls. What these officials are capable of we have already seen. In 1879, in the face of a terrible epidemic of cholera which was carrying off thousands from the southern part of Japan, and which proved fatal to 60 to 70 per cent of all the patients, European powers were denying us the right of protecting the cities of Yokohama and Tokio from the disease. A German merchant-man, the "*Hesperia*," from one of the infected ports, as it was entering the Bay of Yedo was ordered by the Japanese authorities to go to the quarantine station. It hesitatingly complied; but when the German minister heard of it, he sent a gun-boat, took the vessel from quarantine in spite of all our protestations, and landed passengers and goods in Yokohama under the cover of the guns of the war-vessel! It is known that Parkes was at the bottom of this fiendish business. General Grant was in Japan at the time, and expressed the opinion that we ought to have sunk the "*Hesperia*" in the harbor of Yokohama, without delay or doubt. This blow was felt all the more, because we had been most hospitably entertaining only a short time before Prince Heinrich of Germany. When we saw how every humane principle was forgotten when money came into question, we turned away in bitterness and disgust. Suppose a vessel from a port infected with yellow fever should try to enter New York harbor, in violation of the regulations: it is not difficult to guess what the United States would do in the case. Because we cannot resent the insult, it does not follow that we do not feel it; rather we feel it all the more keenly. When a few years ago a man plotted to blow up a steamer in mid-ocean in order to secure the heavy insurance on his goods which he shipped in it, we justly called him a fiend and his machine an infernal machine. What name are we to give to a man who, for the sake of a few paltry thousands of dollars, is willing to introduce a terrible epidemic into the midst of a densely packed city of a million

inhabitants? There is no one among us having a spark of manhood left in him but boils with indignation, and feels most sharply the mortification of these insults. I do not think I am prejudiced. Fair-minded men of whatever nation, like General Grant, Sir Charles Dilke, Governor Pope Hennessey of Hong Kong, and Sir Edward Reed, when they look into the matter, condemn the policy of foreign powers. The British themselves are not slow in acknowledging the injustice of their nation. Why a great country like England, which can certainly afford to be at least just, should pursue such a course, it is difficult to see. It looks as if she believed that there could be no international intercourse with mutual benefit; but I should prefer to think that the Western powers are misrepresented in Japan, and that if the true state of things were better known they would not consent to be put in the light they are. Sir Harry Parkes is at the present time in England, and now that Sir Charles Dilke is the Under-secretary of Foreign Affairs we look eagerly for what the Liberal government will do next. In early days when inferior men were sent from America as ministers to Japan, they used to hang on the apron-string of the British minister, and join with him in all harsh demands; but lately, especially since the advent of Mr. Bingham, the United States have been very fair, and have shown an inclination to deal with us more justly than any other nation. They have concluded a new treaty with us, in which benefits are more evenly balanced,—although the present practical good from it is almost nothing, since it is not to go into effect until all the European powers come to the same terms. It is, however, a great deal to us to have it at least acknowledged that injustice has been done us in the past, and that the Shimonoseki indemnity, for one thing, should be returned to Japan.

In England they are still trying to patch up some pretext to cover the nudity of those enormities,—the Kagoshima and Shimonoseki affairs. In a late number of the "Contemporary Review" Sir Rutherford Alcock justifies in general terms those outrages. When it is known, however, that he himself was the organizer of one of the raids, his defence can have little weight. Probably in the history of international relations there are few cases where a heavy indemnity was extracted for no cause whatever; since, astonishing as it may seem, no English vessel was ever fired on at Shimonoseki, and yet England took a most active part in the bombardment of that port, and in extracting money from the Japanese government. In all the treaties with foreign powers it is stipulated that after 1872 either party can revise them, after giving a year's notice. We have tried and tried to make some alterations so that the benefits need not be quite so one-sided. So far, America is the only country that has recognized our claims as just; the others have some objections whenever we make proposals. In vain we declare that the Japan of to-day is not the Japan of the



Tokugawas, and that the existing treaties are totally unfit for our unexpectedly developed foreign intercourse. The day, however, cannot be very far off when the present state of things will cease.

I have now traced, how imperfectly I am but too well aware, the rise of the movements for the restoration of the Emperor to his power, and the vast changes which that political event has made possible. We now look upon the days of seclusion as the period when we were, so to speak, asleep. We have boldly cast away from our old traditions, and are reaching with all our might after a higher ideal. In such an effort we have necessarily made many mistakes, but we rejoice that we have already accomplished a great deal. We know, however, full well that we have only made a beginning, and that vastly more remains to be done. The next fifty years will indeed be busy years to us. Momentous questions are already arising. The freedom of the press and of speech, the progress of popular rights, the establishment of a constitutional monarchy, the elevation of women, and all kinds of social reforms will no doubt claim our attention. If I have succeeded in showing the exceptional nature of the events transpiring in my country, and have enlisted the reader's interest in her, I feel that all my efforts have been amply repaid.

K. MITSUKURI.

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## RECENT HISTORIES OF THE UNITED STATES.

WITH this fourth volume<sup>1</sup> Mr. Gay brings to a close "Bryant's Popular History of the United States." The first three volumes cover the colonial and provincial periods, and are, notwithstanding certain defects in arrangement, the best general history of those times which has thus far appeared. They are full and accurate, pleasantly written, and the views of the author are sound and fair. The great fault of the work as a whole is disclosed by the last volume. Colonial and provincial history is of trifling importance compared to that of the United States as a nation; yet to the former Mr. Gay gives about two thousand pages, to the latter five hundred. A more glaring disproportion between space and importance could hardly be imagined. There is, too, a similar lack of proportion of treatment in the pages actually allotted to the United States. Our history down to the accession of Andrew Jackson is in a condition to be properly written; beyond that point it is

<sup>1</sup> A Popular History of the United States, by William Cullen Bryant and Sydney Howard Gay. Vol. IV. New York: Charles Scribner's Sons. 1881.

utterly crude, unprepared, and unfit to be written except in the fashion of a text-book or compendium. Yet it is to the period subsequent to Andrew Jackson, and particularly to the war of the Rebellion, that Mr. Gay gives most of his space and strength. The result is a narrative of events of which no man can at this day write a history in the highest sense of the term, and the almost complete neglect of a period which is susceptible of the finest historical work. An example will best illustrate our meaning. There are probably no eight years in our history so important in their far-reaching results as those covered by the two administrations of Washington. In that time the government was founded in all its branches, two great parties developed, the national dignity asserted against the States, the masterly financial policy of Hamilton begun and carried through, a foreign policy established and the theory of American neutrality developed. To this great period Mr. Gay gives twenty-five pages, while more than a hundred and fifty are devoted to the wholly unripe history of the war of the Rebellion. This sort of disproportion exists throughout, and is due no doubt in large measure to what seems to us a very mistaken notion of the history of the United States. To Mr. Gay our history for seventy-five years turned wholly on Slavery, and the struggle culminated in the war, while, as a matter of fact, Slavery for the first thirty years scarcely entered into our history at all. It was even then, of course, full of the germs of future conflict, and destined to determine the fate of the nation; but it was almost wholly latent. Our first thirty years, besides determining innumerable points of constitutional law, of foreign and domestic policy and political economy, were above all occupied with three great questions, — the development of the national sentiment among ourselves, the establishment of our nationality in the eyes of the world, and the strife between aristocracy and democracy. All these except the last had to be settled, and were settled, before Slavery began to warp our national life in 1819 and became a controlling factor in the older conflict between the Northern and Southern systems of government. In thus approaching his subject from a single point, Mr. Gay has added to the disproportion already existing in a work which gives three volumes to the colonies and one to the United States.

In other respects this volume has the merits of its predecessors. It is clearly and pleasantly written, and Mr. Gay's opinions are sound, judicious, and conservative. The work is accurate, although the research does not on the surface seem to have been extensive; and we have noted only one serious error. On page 128 it is said: "Jefferson had sixty-eight votes, — not a majority. The Senate had to choose him or Pinckney (who had fifty-nine) vice-president, and chose Jefferson." Under the Constitution as it then stood the per-



son having the highest number of electoral votes after the choice of president was vice-president, and the Senate had no power unless two candidates for the second place had an equal number of votes. A Federalist Senate, moreover, if it had had the opportunity, would hardly have chosen Jefferson.

To complete so extensive a work in four years Mr. Gay has been compelled to call in assistance, and to have some chapters and episodes written by specialists. Collaboration in history is of course a defect, which shows itself in the disconnected treatment of different subjects; and although in this case the joints are as smooth as possible, the difficulty cannot be wholly overcome. In this respect, therefore, Mr. Schouler, whose work<sup>1</sup> is all his own on the ordinary and classical plan, has a distinct advantage. Mr. Schouler's first volume covers the three Federalist administrations, and shows a careful consultation of all important authorities published since Hildreth's time. The size of Mr. Schouler's work is totally inadequate to a full, final, or complete history of such an important period; but the necessary condensation is well done, and there is no disproportion in the treatment of the various topics. Much is omitted and still more is compressed, but the work is symmetrical as a whole. The author shows care and independence in his judgments; although many of the views advanced and many of the estimates of particular characters, notably that of Hamilton, are not sustained by facts or by contemporary evidence and opinion. Mr. Schouler has failed to prove that the Federalists were a British party, although he appears to wish to do so; and he is too fair-minded not to acknowledge that Jefferson's charges in this respect are not made out. A graver blemish is his failure to appreciate the daring and vigorous foreign policy of the Federalists, and the enormous effect it had in bringing about the firm establishment of the national government. The book as a whole is a useful and concise account of the Federalist administrations. The worst defects are those of style, and these are bad enough to deserve the severest criticism. Here are a few specimens: "patterned after" (p. 10); "voiced the heart of the people," whatever "voicing a heart" may mean (p. 18); "no squander upon public buildings was attempted" (p. 97), — "squander" as a noun has an existence, but is a poor phrase; "likely acquire" (p. 132); "sensed well" (p. 166); "had began" (p. 223); "though commonly made [in the sense of built or constructed] far from convenient" (p. 225); "municipal wants must have been ill devised and imperfectly executed" (p. 238); "likely happen" (p. 285). These sentences and phrases would be blemishes even in poor newspaper reporting, but in a history they are unpardonable.

<sup>1</sup> History of the United States of America under the Constitution, by James Schouler. Vol. I., 1783-1801. Washington, D. C.: W. H. and O. H. Morrison, 1880.

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## GEORGE ELIOT'S LIFE AND WRITINGS.

### II.

THE novels of George Eliot form a grand and attractive part of the imposing monument which has been reared by the great writers of imaginative literature. The effect of that monument is the more striking on account of the contrast between it and the arid and dreary desert of contemporary fiction amid which it stands,—a desert which is constantly enlarging by reason of the additions laboriously made by men and women under the delusion that they are thereby rendering a service to literature and earning for themselves eternal fame. In the last century it was common for persons who had acquired the knack of fashioning prose into lines of equal length with rhymes at the end, to style themselves poets. Others wrote what they called plays, and fancied themselves on a level with Shakspeare. The present fashion is to write a novel; and the persons who follow the fashion appear to be happily unconscious of anything more being required in order to produce a good novel than pen, ink, paper, and due perseverance in covering the paper with the conventional number of words. Novels produced in this mechanical way cost the readers greater toil than the writers.

When Scott began his career as a novelist, twenty other writers of novels enjoyed reputation and popularity. A novel was published once a fortnight in 1814, the year that "Waverley" appeared; at the time of Scott's death, in 1832, two novels were published every week. In the interval of forty-five years which separated the publication of "Waverley" from George Eliot's "Adam Bede," three thousand novels have been given to the world in Great Britain alone. The rate of production in that country has so rapidly increased since "Adam



Bede" appeared, in 1859, that five hundred and eighty novels were published in the United Kingdom last year, being at the rate of more than one a day. When the contributions made to this department of literature by writers in the United States and the non-English speaking countries are taken into account, the sum total becomes so vast as to affect the mind with a sensation of vertigo or oppression, — resembling that which is experienced when the figures of a gigantic national debt are pondered over, or when an attempt is made to realize the distance of the earth from a planet at the outskirts of space. If Dominie Sampson could have beheld but a part of this huge pile of books, he would have expressed the feelings of others as well as his own by exclaiming "prodigious!"

As civilization advances, thousands of educated persons of mature years and sound faculties display tastes which are supposed to denote savages in the depths of ignorance and little children on the threshold of knowledge. Nothing gives greater delight to a savage, who has had plenty to eat, than to listen to a clever story-teller. It is fair to believe that Captain John Smith found favor in the eyes of the Princess Pocahontas, by relating stories as thrilling and incredible as those which he has recorded in print. Few young children, if called upon to elect between hearing a story and getting a toy, would not ask for the story first, with the reservation to ask for the toy afterward. It is to gratify persons with the tastes and leisure of savages and little children that novels are supplied by the thousand, and the increasing supply is due to an ever increasing demand. It is physically impossible for any one to read all the novels in all European languages which issue from the press, yet many persons strive to accomplish the feat by reading nothing but novels. These readers flatter themselves that they lead studious and exemplary lives. Women are the most assiduous readers and the most prolific writers of novels. Out of the twenty novelists whose works were in vogue when "Waverley" appeared, fourteen were women. Upwards of twenty female novelists enjoyed the favor of the reading public at the time when George Eliot became their rival and superior. She did not begin the career of a novelist with a light heart. She clearly discerned the difficulties in her path, but she possessed the ability, while inspired with a determination, to surmount them. She had qualifications such as few of her sex ever bring to the writing of books. Her education had been thorough; she had a wide and minute acquaintance with the best works in the literatures of antiquity and the modern world; she had a thorough knowledge of her mother tongue and rare skill in using it; she had a remarkable faculty of observation and the power of analyzing and sympathizing with varied states of feeling, and she was endowed with that subtile and

incomparable gift which enabled her to turn all the others to the best possible account, — a gift which it is easier to appreciate than define, and which is known as genius.

In no department of literature is the disparity between the several products greater than in that of fiction. A really great novel may be ranked with the finest of epics or plays; a bad novel must be classed with the most worthless trash. But the number of novels of the highest class is almost as small as that of epics like those of Homer, and plays like those of Shakspeare. Though the number be small, the value of the whole is inestimable. The loss to the world would be incalculable if any calamity should cause the destruction of the works of such modern authors, among others, as those of Boccaccio, Cervantes, Le Sage, Voltaire, Balzac, George Sand, Bunyan, Defoe, Swift, Fielding, Smollett, Jane Austen, Goethe, Scott, Dickens, Thackeray, Charlotte Brontë, and Hawthorne. These are some of the writers of fiction who have contributed to rear a splendid monument, and to furnish models for the emulation of authors inspired with a noble ambition. It was to attain a place among the greatest of these writers that George Eliot strove with diligence and energy. She had the unusual reward of seeing her works numbered during her lifetime among English classics.

Before pointing out the characteristics of George Eliot's writings, I must draw a distinction between those in prose and those in verse. It is the prose writings which have made her famous, and which prove the quality and greatness of her power. Many injudicious admirers praised her poems, and did their utmost to make her fancy that the divine afflatus which animates the poet, but which is absent from the versifier, was one of her distinguishing glories. Great writers are exposed to a double temptation: (1) they are tempted to try whether they can succeed in a new field as well as they have done in that wherein their laurels were won; and (2) they are tempted to believe that their friends are not deceived in pronouncing the new effort a splendid triumph. Partly owing to his own desire to make the attempt, and partly owing to the pressure of friends, Scott began to write plays after he had proved his pre-eminence as a writer of novels. Contemporaries professed to like his plays as much as his novels; and they cannot be called insincere, because they were predisposed to like anything that Scott wrote, and they had persuaded themselves that he was eminently fitted for writing plays. Yet who reads these plays now? How many readers can honestly admire them, or refrain from wishing that they had never been written? The like mistake is made by Mr. Tennyson, who has bestowed much labor on proving that he is not endowed with the dramatic faculty. Though his plays have been eulogized in the loftiest strain, yet if he had written only these



his name would not be inscribed on the roll of great poets. There are many fine passages in George Eliot's poems ; some of her lyrics are very beautiful, indeed almost perfect ; no one can deny that she had much poetry in her nature. Nevertheless it is incontestable that if she had left no other legacy to the world than the volumes which contain her poems, her exquisitely worded wish that she might join the invisible choir of the immortal dead, and live again in the minds which cherished and were moulded by her thoughts, would have been expressed to no purpose, and would seem both futile and vain.<sup>1</sup>

The intensely feminine tone of George Eliot's novels is their special and pervading characteristic. She had a thorough and laudable aversion to the female writers who masquerade in masculine guise, and prefer imitating the ways of men to giving sincere expression to their own sentiments. The evil of which she complained, when she first began to write, has increased in magnitude ; not only because female novelists have increased in number, but also because they have found that they gain greater notoriety by writing in a manner which is considered unbecoming in women. When a lady novelist creates personages whose objects seem to be to break the Commandments in the most offensive style, a zest is imparted to the sins by the reflection that these wicked deeds have been contrived by a female brain. It is supposed that the lady novelists who depict fast life must have lived it, and the impropriety of their books is regarded as a reflection of the impropriety of their conduct. These notions have seldom any foundation in actual fact. Sometimes, and as an exception, a thorough man of pleasure, like Fielding, may write with extraordinary power while ruining himself by culpable excesses ; but the rake of either sex does not make many valuable contributions to literature. The female novelist usually draws upon her imagination for her pictures of vice ; hence it is that her wicked personages are very wearisome, being perfectly unreal. She may be a pattern of all the proprieties in her own person, and her time may be too much occupied in devising unpleasant persons and narrating unpleasant incidents to allow of her learning much about life of any kind. In professing extreme familiarity with the evil which is in the world, lady novelists commonly prove their entire ignorance of it.

Fidelity to nature is stamped on all George Eliot's creations. Her personages might have lived and acted as she makes them, and all of them are human beings. Scarcely one of them is exaggerated.

<sup>1</sup> Among the examples which might be quoted of George Eliot's inharmonious verse, let the following, from the "Spanish Gipsy," suffice : —

*Lopez.* "Santiago ! Juan thou art hard to please.  
I speak not for my own delighting, I.  
I can be silent, I."

Not one of them could be changed in any particular without detriment to the general effect. While the breath of life has been breathed into all her creations, a strain of humor constantly recurs, and adds, if that be possible, to their vitality and truthfulness. Many women are the possessors of great gifts ; but the gift of humor is seldom included among them. George Eliot is one of the rare exceptions, and in this, as in most of her highest qualities, she is on a par with Jane Austen.

Between Jane Austen and George Eliot there are several points of contrast as well as many points of resemblance. The former was the more precocious novelist ; her "Pride and Prejudice" was written when she was twenty-one, whereas the latter did not write "Adam Bede" till she was thirty-nine. The daughter of a country clergyman, living a placid life in quiet places, knowing nothing of the great world except from books or the conversations of those to whom it was familiar, and having little knowledge of any other literature than that of England, Jane Austen lacked many things which George Eliot possessed, and seemed imperfectly qualified for producing works of fiction surpassing in their peculiar excellence anything that had been written before her time, and unsurpassed by anything that has been written since. In common with George Eliot she was endowed with a fastidious taste and a fine critical faculty. She could thoroughly appreciate whatever was really good, and she could discern imperfections with marvellous acuteness. She possessed that self-knowledge which is almost as rare as genius, and is not less useful : it enabled her to understand the limit of her power, and led her to exercise her faculties in the field which was best suited for their exhibition. It was with literal truth that she stated her forte to consist in turning out pictures made on ivory with a very fine brush, and that, while the composition of a historical romance might yield her greater profit and popularity than her "pictures of domestic life in country villages," she could "no more write a historical romance than an epic poem." The true knowledge of herself which caused Jane Austen to write in the foregoing terms was displayed in the case of Scott, when he entered in his diary that "Jane Austen had a talent for describing the involvements and feelings and characters of ordinary life, which is to me the most wonderful I ever met with. The big bow-wow strain I can do myself like any now going ; but the exquisite touch which renders ordinary commonplace things and characters interesting from the truth of the description and the sentiment is denied to me."

There is a close resemblance between George Eliot and Jane Austen in a particular to which I have already referred, and in which they stand almost alone among women, — the possession of a keen sense



of humor and the ability to make it play its due part in human life. Women can make and appreciate witty remarks ; they can even outdo men in the cleverness and point of their sayings, — yet they are rarely capable of being humorous themselves, or of enjoying the humor of others. It is certain that no woman has created a Falstaff ; it is doubtful whether any woman thoroughly admires him. The pages of George Eliot and Jane Austen teem with proofs of their hearty understanding and appreciation of the ludicrous and grotesque in human nature. Both desired to keep themselves secluded from the world ; but Jane Austen was the more successful. Her name did not appear on the titlepage of any of her books during her lifetime ; her popularity has never extended to the mass of the reading public. Even that large section of the public which seldom reads a book, but plumes itself upon familiarity with the names of noteworthy writers, makes no pretence of acquaintance with Jane Austen. A striking and curious illustration can be given of the ignorance of the general public about her, and of the enthusiasm which impels a select part of the public to visit any spot with which her name is identified. It is recorded that a gentleman visiting Winchester Cathedral, where Jane Austen lies buried, asked the verger to point out her grave. The latter said, “ Pray, Sir, can you tell me whether there was anything particular about that lady ? — so many people want to know where she was buried.”

No one praised Jane Austen more warmly or appreciated her works more sincerely than George Eliot ; and the passages which the latter has written about her predecessor contain not only a high compliment to her, but a revelation of the writer's own mind. The passages in question merit quotation on their own account ; and since they are little known, they may have the charm of novelty also : —

“ First and foremost let Jane Austen be named the greatest artist that has ever written, using the term to signify the most perfect mastery over the means to her end. There are heights and depths in human nature Miss Austen has never scaled nor fathomed ; there are worlds of passionate existence into which she has never set foot : but although this is obvious to every reader, it is equally obvious that she has risked no failures by attempting to delineate that which she had not seen. Her circle may be restricted, but it is complete. Her world is a perfect orb, and vital. Life as it presents itself to an English gentlewoman, peacefully yet actively engaged in her quiet village, is mirrored in her works with a purity and fidelity that must endow them with interest for all time. To read one of her books is like an actual experience of life : you know the people as if you had lived with them, and you feel something of personal affection towards them. The marvellous reality and subtle distinctive traits noticeable in her portraits has led Macaulay to call her a prose Shakspeare. If the whole force of the distinction which lies in that epithet *prose* be fairly appreciated, no one, we think, will dispute the compliment ; for out of Shakspeare it would be difficult to find characters so typical, yet so nicely demarcated within the limits of their kind. We do not find such profound psychological insight as may be found in George Sand (not to mention male writ-

ers); but taking the type to which the characters belong, we see the most intimate and accurate knowledge in all Miss Austen's creations. Only cultivated minds fairly appreciate the exquisite art of Miss Austen. Those who demand the stimulus of 'effects,' those who can only see by strong lights and shadows, will find her tame and uninteresting. . . . Of all imaginative writers she is the most *real*. Never does she transcend her own actual experience; never does her pen trace a line that does not touch the experience of others. Herein we recognize the first quality of literature. We recognize the second and more special quality of womanliness in the tone and point of view; they are novels written by a woman, an Englishwoman, a gentlewoman, — no signature could disguise that fact; and because she has so faithfully (though unconsciously) kept to her own womanly point of view, her works are durable. There is nothing of the *doctrinaire* in Jane Austen; not a trace of woman's 'mission;' but as the most truthful and unexaggerated of writers, female literature has reason to be proud of her."

While George Eliot had a great female predecessor in her own country, she had a contemporary French sister in George Sand, who shares with her the merit of having made the most valuable contributions to modern literature in our day which have proceeded from a woman's pen. They differ from each other in several respects. The only close point of resemblance consists in their style. The art with which both write is the perfection of nature. The first pages which both wrote were marked by all the excellences which are regarded as their special characteristics; both are eloquent in the truest and rarest sense; their phrases are the expressions of minds fraught with emotion. The marked difference between them is the way in which they respectively treat the passion of love. There is nothing of an erotic tendency in the pages of George Eliot; her personages make love in a natural, but perfectly conventional way. George Sand, on the contrary, never seems more at home than when dealing with the extreme and violent fashion of love-making; she gloats over the eccentricities of a great or a misdirected passion. Mr. Henry James, Jr. gives her credit for having enlarged the sphere of information concerning "the ardent forces of the heart;" he praises her for having advanced far beyond Miss Austen and Sir Walter Scott, Dickens and Thackeray, Hawthorne and George Eliot, when representing young people in love with each other. He further notes, what is also well worth bearing in mind, that foreigners must consider "those large comprehensive fictions, 'Middlemarch' and 'Daniel Deronda,'" as "strangely loveless" when contrasted with the novels of George Sand, and must think that they are "like vast, cold, commodious, respectable rooms, through whose window-panes one sees a snow-covered landscape, and across whose acres of sober-hued carpet one looks in vain for a fireplace or a fire." Yet one would think that "The Mill on the Floss" might have led Mr. James to qualify this graceful sentence.

While there are a few points of resemblance between George Eliot and other female novelists, the differences are far greater in number and



essence. This is the test and token of originality. Any writer who copies or closely approximates to another lives entirely by reflected light. George Eliot has an independent existence. Though not the equal of her French sister in some things, she is her superior in others. It is certain that if she could not have written "Indiana" or "Valentine," or any of George Sand's passionate protests against existing social order, George Sand was quite as incapable of composing such a work as "Romola."

In the novels which first made George Eliot famous there are many passages which appear to be records of personal experience; it was said that these works were reproductions rather than inventions; that many of the characters could be identified in real life; that Dinah Morris was a portrait of her Aunt Elizabeth Evans, and that Maggie Tulliver was herself. Jane Austen was subjected to the same charge. She was found fault with because her personages were those with whom she was in daily intercourse, and she was denied merit because she had slavishly copied what lay before her eyes. A kind friend having questioned Jane Austen on the subject, she expressed her horror at being thought guilty of such an "invasion of the social proprieties" as is implied in reproducing the peculiarities of one's friends and neighbors; adding that her desire was to create and not to mimic, and that she was too proud of her gentlemen "to admit that they were only Mr. A and Col. B." Before showing, as I shall afterward show, how absurd it is to suppose that George Eliot's aunt served any other purpose than to afford a mere hint out of which grew the fine figure of Dinah Morris, I may fitly introduce her own opinion on this head, which undoubtedly represents her own practice. She held "that the author is bound to use actual experience as his material, or else to keep silent; but he is equally bound by all moral and social considerations not to use that experience in such forms that the public will recognize it, and become, as it were, initiated into the private affairs of his characters." The notion that great novelists who produce life-like portraits must have copied directly from a living original, arises from the presumption that nothing truly natural can be other than a literal transcript from external nature. It is assumed that it is perfectly easy to delineate a person or group of persons with whom one is well acquainted and in frequent association. To copy nature is really the hardest of all hard tasks; to copy nature perfectly is impossible. The most careful artist cannot do more than give his impression, while other eyes see something which escapes him. No one person appears the same to any two persons, and the most faithful copyist fails to convey a likeness of what is obvious to other spectators. Let those try the experiment who think it easy to sketch the persons whom they know, and they will find

that the copy is regarded either as a satire or a caricature, or else that the likeness is so flattered as to be unrecognizable. Many personages and incidents in fiction which are commonly thought to be inventions are those of real life. In none of Dickens's novels is there a personage whose story is a closer repetition of actual facts than David Copperfield, yet it was not till the biography of Dickens was published that the readers of his novels suspected how much in the imaginary career of David Copperfield was the record of his own early days. The truth is that the personages which appear the most natural are usually the offspring of a fertile imagination. When the creators of such characters are treated as writers who have executed a task which is within the reach of any one who chooses to make the attempt, they are complimented in the same manner that Garrick was by Partridge when the latter assured Tom Jones: "Why, I could act just as well myself!" The admirers of stronger and more highly spiced writing than the sober, faithful, and natural pages of Jane Austen and George Eliot resemble Partridge, when he added that the actor who played the part of the king was far superior to Garrick as Hamlet, because the king spoke all his words distinctly "half as loud again as the other."

It is not often that the genesis of a character in fiction can be so accurately set forth as that of Dinah Morris in "Adam Bede." Soon after the novel appeared, it was confidently asserted that the female preacher was a living likeness of Elizabeth Evans, the aunt of George Eliot. In the autumn of 1859 the latter stated the facts in a letter to her friend, Mrs. Sara Hennell. It is true that Elizabeth Evans had been a female preacher among the Wesleyans, and had left that body after women were forbidden to preach. When George Eliot first saw her she was sixty years old, and was "a tiny little woman, with bright, small, dark eyes, and hair that had been black I imagine, but was now gray: a pretty woman in her youth, but of a totally different physical type from Dinah. The difference, as you will believe, was not *simply* physical; no difference is." Her remembrance of conversations with her aunt was nearly altogether confined to hearing from her, one sunny afternoon, —

"How she had, with another pious woman, visited an unhappy girl in prison, stayed with her all night, and gone with her to execution. . . . In her account of the prison scenes I remember no word she uttered, — I only remember her tone and manner, and the deep feeling I had under the recital. Of the girl she knew nothing, I believe, — or told me nothing, — but that she was a common, coarse girl convicted of child-murder. The incident lay in my mind for years on years, as a dead germ, apparently, till time had made my mind a nidus in which it could fructify; it then turned out to be the germ of 'Adam Bede.' . . . You see how she suggested Dinah; but it is not possible you should see as I do how entirely her individuality differed from Dinah's. How curious it seems to me that people



should think Dinah's sermon, prayers, and speeches even, *copied*, when they were written with hot tears as they surged up in my own mind."

A more useful inquiry than that which is designed to elucidate and trace the paternity of any of her characters would take the form of ascertaining the likenesses between the members of that large group of ideal personages with which she has helped to people the realm of fiction. Janet Dempster, in "Janet's Repentance," has much in common with the homely Maggie Tulliver and the majestic Romola. Mr. Casaubon has a close affinity with Bardo the blind scholar, who, as Cristoforo Laudino remarked, "was one of those scholars who lie overthrown in their learning like cavaliers in heavy armor, and then get angry because they are over-ridden." Monna Brigida speaks a different tongue from many of the English widows and spinsters whom George Eliot has depicted, yet she acts much as they do and thinks the same thoughts. Arthur Donnithorne is transported from "Adam Bede" and reproduced under a new name and with altered manners in "Middlemarch" as the uninteresting Will Ladislaw. The most curious of all the resemblances is that which can be discerned in external things between Hetty Sorrel and Tito Melema. I can but indicate the scope and nature of this investigation; to pursue it adequately would occupy far more space than I have now at my command.

George Eliot's novels, as pieces of composition, are open to the criticism that they are too rounded and complete. She liked to finish her stories as carefully as her sentences, having a horror of vagueness and mystery. Clearness and conclusiveness are great virtues in composition, but the artistic effect may sometimes demand a certain reticence; and it is often better to leave something to the reader's imagination than to conclude and settle everything. As noteworthy illustrations of this, I may cite the endings of "The Mill on the Floss" and of "Romola." The catastrophe which causes the death of Tom and Maggie Tulliver is dramatically narrated; the picture of the surging river sweeping everything before it is bold, vivid, and impressive. That the brother and sister should meet to part no more in such circumstances, and should fall victims to the angry flood on whose banks they had spent their happiest hours, has all the contrast and horror of antique tragedy. Their reconciliation in the presence of inevitable death is natural and touching. If they had been left silently speeding to their doom, allowing the reader to imagine what passed between them at the supreme moment of their lives, the effect would have been much stronger than that which is produced by reading the sentences which they finally interchange. Romola is made to pass through an episode at the close of the work named after her which has no proper connection with anything which pre-

cedes: this is her visit to the village where the plague has broken out, and where she acts as guardian angel to the sick and dying. The subject could have been treated to greater advantage as a distinct story. Her own end is to fill the part of a self-constituted grandmother to Tessa's children. She does her duty to perfection, and speaks a beautiful epilogue; but there is something commonplace in the impression which she leaves on the reader's mind. A different and more congruous effect would have been the result had she passed out of the story in the skiff upon which she embarks, weary of life, and seeking rest and oblivion. I must guard myself against the reproach of thinking lightly of "Romola" because I take exceptions to some parts of the plot. As a novel, I think it is the finest of George Eliot's works, and the one which will live the longest. A historical novel can be enjoyed by persons to whom the most skilful and accurate portraiture of bygone manners is dry and unprofitable. So long as the world takes a keen interest in the doings of the New England Puritans, the "Scarlet Letter" will be read with a two-fold curiosity. So long as people care about the attempt of the young Pretender to oust George II. from the throne of Great Britain, there will be many readers of "Waverley;" while as many will read "Ivanhoe," "The Talisman," "Quentin Durward," "The Fortunes of Nigel," so long as general interest is felt in the career of Richard the Lion Heart and the Crusaders, in Louis XI. of France, and James I. of England. After all that has been written about Washington, there is no book in which a truer picture of him can be found than in Thackeray's "Virginians;" it is not rash to predict immortality for that novel, seeing that it will endure so long as the memory of the great man whom it commemorates. Of Bulwer's many works of fiction none is read more often, or is so likely to be read in future ages, as the "Last Days of Pompeii." "Romola" is associated with the memories which cluster round the city of Florence, and with those everlasting memories of the olden days when the city was a power in the land, and was the theatre in which Savonarola played a part almost unique in history.

George Eliot held that "no woman would write such a novel as 'Tom Jones' or 'Vanity Fair,' or was capable of such an effort of imaginative history as 'Ivanhoe.'" By writing "Romola" she has partly disproved her own dictum. It is still true, however, that had Scott treated the same topic he would have done so in a different style. He would have given greater prominence to Savonarola; and the scenes where Bernardo del Nero and his four colleagues are executed, and where Savonarola appears when the ordeal by fire is to take place, would have been painted with the splendor of the spectacle when Rebecca is about to be led to the stake in "Ivanhoe," and when the



Bishop of Liège is slain by Nikkel Blok at the orgy presided over by William de La Marck, the Wild Boar of Ardennes, in "Quentin Durward." Yet though the pictorial parts of the work fall short of those whereof Scott was a master, the subtler and more tender parts are fraught with infinite power. However deficient the external representation of Savonarola may be, the keenness with which his mental attitude is perceived and set forth is above all rivalry. The following two sentences on his character and his failings are the summaries of the whole matter, and may be accepted as the judgment of history :

"No man ever struggled to retain power over a mixed multitude without suffering vitiation ; his standard must be their lower needs, and not his own best insight. . . . Savonarola's oration was one of those in which opposing tendencies co-exist in almost equal strength ; the passionate sensibilities which, impatient of definite thought, flood every idea with emotion and tend towards contemplative ecstasy, alternated in him with a keen perception of outward facts and a vigorous practical judgment of men and things."

It was George Eliot's conviction that female novelists should be womanly. She said that "to write as men write is the aim and besetting sin of women ; to write as women is the real office they have to perform." Moreover, she thought it an immense mistake "that there is no sex in literature ;" and she held that "a certain amount of psychological difference between men and women necessarily arises out of the difference of sex, and instead of being destined to vanish before a complete development of woman's intellectual and moral nature, will be a permanent source of variety and beauty as long as the tender light and dewy freshness of morning affect us differently from the strength and brilliancy of the mid-day sun." It is natural, then, to expect that her female characters should be more truthfully drawn than her male ones ; and it is the case that in no works are there so many pointed and accurate remarks made about the female sex as in her own. From Mrs. Poyser, Dinah Morris, and Hetty Sorrel in "Adam Bede," to Dorothea Brook and Rosamond Vincy in "Middlemarch" and Gwendolen Harleth in "Daniel Deronda," the representations of the feminine character are masterpieces of observation and experience. Every reader must have been struck with this. The following samples will enable those unfamiliar with her writings to understand what a perfect knowledge she displayed of the inner workings of the female heart :—

"The cleverest women are not always those who have written books." "In women vanity lays by its little revenges as in a needle-case always at hand." "A woman's hopes are woven of sunbeams ; a shadow annihilates them." "Half the sorrows of women would be averted if they could repress the speech they know to be useless,—nay, the speech they have resolved not to utter." "A woman's love is always freezing with fear. She wants everything ; she is secure of nothing." "When a woman feels purely and nobly, that ardor of hers which

breaks through formulas too rigorously urged on men by daily practical needs makes one of her most precious influences: she is the added impulse that shelters the stiffening crust of cautious experience." "Love has a way of cheating itself consciously, like a child who plays at solitary hide-and-seek; it is pleased with assurances that it all the time disbelieves." "What woman was ever satisfied with apparent neglect, even when she knows it to be the mask of love?" "Every woman creates in her own image the love-tokens that are offered to her."

But none of the many remarks like the foregoing, nor any others which might be adduced, can exceed in beauty, pathos, and profundity such a passage as the following, which depicts a crisis in the life of Romola:—

"At certain moments Romola was carried, by a sudden wave of memory, back again into the time of perfect trust, and felt again the presence of the husband whose love made the world as fresh and wonderful to her as to a little child that sits in stillness among the sunny flowers: heard the gentle tones and saw the soft eyes without any lie in them, and breathed over again that large freedom of soul which comes from the faith that the being who is nearest to us is greater than ourselves. And in those brief moments the tears always rose: the woman's lovingness felt something akin to what the bereaved mother feels when the tiny fingers seem to lie warm in her bosom, and yet are marble to her lips as she bends over the silent bed."

The temptation to quote other passages in confirmation of George Eliot's extraordinary power of observation and exposition must reluctantly be resisted. To enlarge on all the aspects of her genius would swell this article beyond due bounds. In passing a final verdict, I must take much for granted which I have not space to prove, and assume a general knowledge of many characteristics which I have had to pass over without special notice. My aim has been to estimate her place in literature chiefly in relation to the greatest novelists of her own sex. Among them Jane Austen and George Sand have no superior but herself; none of them has been rivalled by any male writer. She justly wrote that "as an artist, Jane Austen surpasses all the male novelists that ever lived, and for eloquence and depth of feeling no man approaches George Sand." She was as great as either, while manifesting traits exclusively her own. In characterizing her, I cannot do better than to adopt the words which she applied to George Sand, for they more closely represent the actual truth than any others which I could use:—

"There is no man so wise but he may learn something from her books, for they are the utterances of a soul in pain,—a soul that has been tried. No man could have written them, for no man could have had her experience, even with a genius equal to her own. The philosopher may smile sometimes at her philosophy, for *that* is only a reflex of some man whose ideas she has adopted; the critic may smile sometimes at her failure in delineating men: but both philosopher and critic must perceive that those writings of hers are *original*, are genuine, are transcripts of experience, and as such fulfil the primary condition of all literature."

W. FRASER RAE.



## AN EXPERIMENT IN COLLEGE GOVERNMENT.

NO question more concerns the future of American colleges than that of the government of students. In these days such government is beset with new and singular difficulties. The yeasty nineteenth century is heaving inside as well as outside college walls. The age is powerfully stimulating. The young as well as the old feel the thrill, and come to an earlier consciousness of their part in the great moving world. All authority in science and learning is questioned, and they join in the questioning. Their very studies are in debate, and they mingle with the debaters. What marvel that they become impatient under the old forms of rule and restraint, and ask, or take without asking, release from old-time control! The world counts it manliness, and sees in it only the ripening consciousness of manly powers and rights. It has, doubtless, its side of promise and its potency for good; but college Faculties find that it has also a large residuum of boyish immaturity, and that the assumption of independence is sometimes in advance of the discretion necessary to guide it. The average age of college students also has increased, and a larger number of grown men are found in college classes. These help the claim of the younger students, often mere boys in years, to manly prerogatives without giving them manly judgment. It was a saying of the celebrated Dr. Nott, that young students imitated the vices rather than the virtues of their elders. It may, perhaps, be unjust to affirm that college vices are on the increase; but we may safely say that the difficulties of college government are increasing. The old-time hazing of fellow-students, and the tricks played on professors and tutors are less frequent; but college revolts and common immoralities are widely asserted to be multiplying. The lawless trickery of boys is being replaced by the more formidable faults of men.

In Europe the universities, to which our colleges answer but partially, count upon the maturity of their students, and do not attempt any personal supervision or control. The university is claimed to be a school for men, not for children. As a professor at Halle told the writer, "the professors assume no responsibility for the personal character or behavior of students; they are employed to give lectures, and not to govern students." One is tempted to suspect that the students have got beyond control, and that the Faculties make a virtue of necessity; that they abdicate an authority they can no longer assert. The result is not always gratifying. Duelling, drinking, and nights of

carousal pass almost unheeded, unless they become so outrageous as to provoke the attention of the civil authorities. In Paris, university students openly practise customs which would banish them from decent society in America. Even in English Oxford some of the usages described by Mr. Hughes, in his "Tom Brown at Oxford," would be counted as scandalous in an American college. Abundance of testimony may be drawn from English authors to prove the rowdiness, idleness, and vice which prevail in the English universities.

Let us not slander nor utterly condemn the European universities. Their resplendent scholarship and magnificent teachings have passed like lines of light into the civilization of modern Europe. But the glamour of their great names must not shut our eyes to any serious defect in their organization or management. To copy their government, or lack of government, will not render us their rivals in scholarship also. Like causes produce like effects. The drift in our own institutions is evidently in the direction marked by the history of European universities. Not long ago, the president of one of the oldest of our American colleges told the writer, with a superior air, and almost in the language of the Halle professor, that the Faculty of his college did not pretend to control the conduct of their students; that it was the function of the college to furnish instruction, not to govern children.

It must be admitted that there is a certain plausibility in the plea that colleges and universities are not for children or half-grown youth, but for adult men and women. The thought of assuming parental control over young men of twenty years — the average age of American college students — seems sufficiently absurd, and the spirit of the age opposes it. But it is certain that few American fathers will knowingly send their sons to a college which abdicates all government, and refuses to assume any responsibility for the conduct of its students. Their common-sense tells them that many of the students are boys in years and experience, and that no community can be safe or successful in the highest degree without good government. Its difficulty does not remove its necessity. The public demands also, and justly, that every educational institution shall make such requirements for the admission and stay of students as will best secure the aims of its existence and work. It is under such views that the Faculties of most American colleges believe themselves authorized and bound to establish rules restraining their students from such immoral practices and violations of good order as would seriously interfere with their education, injure their character, and lessen the success or impair the reputation of the institution itself. Yet the drift is undeniable. The growing difficulties of college government are steadily making this restraint of students less possible and less effective. A



revolution is in progress in society, and in schools and colleges as well. Shall the result, now imminent, be no-government, or shall there be substituted some form of government more in accord with the prevailing opinions? If our college students refuse to be governed as mere boys and girls, may not their conscious manhood be appealed to and organized as a governing force?

These questions will seem pertinent and necessary to those college Faculties that are not yet ready to abdicate all authority and leave students to be exposed, without watch or warning, to the temptations which always lurk where crowds gather, and to the evil customs and traditions which continue so long to haunt the institutions where they once gain sway. The problem may be difficult, but the solution is none the less needful. The American college-system is at stake. No evil so full of menace and disaster can assail it as this decay of sound government. The unchecked prevalence of rowdyism and dissipation, of college riots and rebellions, would soon rob these institutions of that public reverence and esteem which have been the chief source of their influence and support.

Two methods of solving the problem seem open to us. The first is the *laissez faire* method, — to let things follow their bent till the evil in some way heals itself. But the results in Europe do not seem very encouraging to those who would be glad to adopt this method as the simplest and easiest. The second method is to seek the solution by active discussion and experiment. This will doubtless cost courage, patience, and philosophical insight; but it seems the most promising as well as most in keeping with the spirit of modern thought. To those who hold this view, the following description of an experiment, which has been carried on for the last ten years in one of the State universities of the West, is offered as a contribution towards the solution of this problem.

The Illinois State University — known as the Illinois Industrial University, founded on the Congressional grant of lands — was chartered in 1867, and received its first classes of students in March, 1868. About two years later one morning in chapel the President, with the concurrence of the Faculty, proposed to the students the organization of a "students' government." The attendance numbered at this time nearly one hundred and seventy-five, varying in ages from fifteen to twenty-five, and averaging, perhaps, about twenty years. In a short address he laid before them their own interests in the preservation of good order; reminded them that they were not children, but citizens of a country requiring in its people the power and habit of self-government; that many of them were already voters, and needed to become familiar with the duties and practice of government; that all had come

to years when they might be supposed to feel a serious interest in their education, and in preparing for their active duties in life ; that they ought not to need the constant control common to children in lower schools ; and that, if they chose, they could more certainly detect and prevent violations of college laws, and maintain good order, than any college Faculty could do. He showed them that, if successful, their government would establish new and more honorable relations between the students and the Faculty, taking from the professors the disagreeable duties of a detective police, and relieving the students from an irritating espionage. He seriously forewarned them that the undertaking would not prove child's play ; that it would cost time, care, energy, and "backbone ;" but that it would compensate them for any expenditure of time and toil in the important education it would give them in the highest duties of citizenship. Finally, he asked that they should not decide suddenly ; that they should take some days to reflect upon it, and to talk it over among themselves, and be prepared to express their decision by a vote when called upon.

For several days the proposition was earnestly canvassed among the students. These students were chiefly from the rural districts, and were a serious and earnest body of young men. The University was of recent origin, and no secret societies or other bad usages of older institutions had as yet crept in. The work of the University was at this time chiefly confined to one large building, which, besides the chapel, library hall, a laboratory, and class rooms, afforded also dormitories for over one hundred students. The remaining students found rooms in the town.

In due time the vote was taken, and showed a unanimous desire to undertake the proposed experiment. A committee of some of the older and more experienced students was appointed to confer with the President, and to prepare the draft for a constitution and by-laws for the new government. This constitution, finally adopted, provided for the election of a president, vice-president, secretary, and treasurer, by the body of students, and the appointment of a marshal and three judges by the President. These judges constituted the college court ; and all violations of the laws were to be tried by them without jury. The law-making power was vested in the general assembly of the students, but an absolute veto was reserved to the President or Regent (as he is here called) of the University. Laws were made for the preservation of quiet and good order in the dormitory buildings ; against gambling, drinking, and keeping intoxicating drinks in the dormitories ; against violations of sundry rights of students ; and against injury of college property. The penalties consisted of fines varying in amount from a few cents to five dollars. Obstinate culprits, and those who refused to pay the fines, were to be reported to the Faculty, who retained all power to suspend or to expel a student.



The government went into operation with much seriousness ; students of mature age, and conspicuous for scholarship and ability, being elected to fill the offices. They were heartily sustained by the public sentiment of their comrades. A few, from love of fun or from other motives, showed a disposition to test the strength of the new government ; but its power was soon felt, and good order was established and maintained with little variation. The well-disposed students, always in the majority in any college, gave the government their countenance and support. And the mischief-loving found themselves confronted not by the few members of an over-busy Faculty, but by the organized and authorized body of their fellows.

Two or three years later a new main building and other buildings having been erected, and new departments having been established, the work of the University was greatly extended ; and the students, now numbering nearly three hundred and fifty, were widely scattered through the neighboring city. The general assembly of the students became too numerous to meet and deliberate on proposed laws ; also questions of jurisdiction on and off the college grounds became troublesome. In this juncture a new constitution was formed, providing for the election of a senate of twenty-one members, — one third of whom, after the first elections, were to be chosen each term or trimester, the term of service to be one college year. All legislative power was vested in this senate, subject to the veto of the Regent and Faculty. Amendments of the constitution must be proposed by the senate, but could only be adopted by the general assembly of the students. It was also provided that the authority of the government should extend over all attending students of the University, whether upon the college territory or elsewhere, during term time ; and a distribution of the territory into districts for judicial purposes was made. In the senate, all projects for laws were to be introduced as bills, and were required to pass the customary legislative readings. A room, set apart by the Faculty, was fitted up by the students as a senate chamber and court room, and regular weekly sessions of both these bodies were ordered. The judges license those students who desire it, and who pass the requisite examination in the constitution and laws, to practise as attorneys in the college court ; but no student is debarred from appearing and pleading in his own cause. All officers, except the senators, hold their offices during a single college term. A week before the election, which is held the second Friday of the term, the student-president puts in nomination two candidates for each office and vacancy to be filled. Ballots with these nominations are printed at the public expense, and the voters erase the names which they reject. Independent nominations may be made by any one ; and frequently several tickets are in the field.

The contests are sometimes warm and exciting, and call out as much electioneering skill and energy as the elections in larger bodies. As a rule, the government candidates are elected; but sometimes popular opposition leaders are carried into power. In few political communities is the ballot more honestly or more wisely used. The best interests of the government are sought, and good officers, if not always the best, are generally chosen.

This government has not been without opposition. In a body of over four hundred students many must be found to whom restraint is irksome, and the very efficiency of the government has made it odious to them. They prefer to take their chances of avoiding the vigilance of the Faculty rather than the more hazardous ones of escaping the student police. Those who have felt the "halter draw" have of course "no good opinion of the law." In a few cases, law-abiding but factious students have sought the overthrow of the government; and through the representations of these disaffected students persons outside the University have been sometimes prejudiced against it. In one instance a member of the State legislature, in a public address to the students, and in the presence of a large body of his fellow-members, denounced the government as a system of unmanly spying, and exhorted them to abandon it. No one wondered that he was soundly hissed, not even the august presence in which they were sufficing to restrain the indignation of the students at this attack upon their government. But the speech had the effect to encourage the disaffected, and it gave rise to long and earnest debates among the students of all classes. Resolutions were introduced into the general assembly of the students for the abrogation of the government; but these resolutions were rejected by overwhelming majorities. More recently the question of abandoning the government was voted on by ballot at a regular election; and again the majority was found largely in favor of its continuance. The question of its legality having been raised, appeal was made to the attorney-general of the State; and it was pronounced legal, if authorized by the trustees, as it had been. It was, in law, to be considered as a committee or agent of the trustees or Faculty. Its sentences could not be legally enforced, but the Faculty may act upon the cases reported to them as upon other sufficient information. This leaves the accused student the option to pay the fine imposed by the college court, or to be reported to the Faculty.

To the taunt that the government was a system of espionage, — a system in which the students were acting as the spies of the Faculty, — it was replied that they were acting under the forms of a government organized by themselves, and for their own protection and benefit, — not under the Faculty; that all governments must guard



against the violations of law, and provide for the conviction of evil doers ; and that, so far from their serving the Faculty as spies, it was well known that their government had resulted in the establishment of more honorable and friendly relations between the Faculty and the body of students, and had taken from the Faculty the need and disposition secretly to employ student detectives, as is known to be done in some American colleges. The taunt was a falsehood, both in theory and in fact.

But the experiment has developed some difficulties as well as great advantages. A fair and candid statement of both is essential to enable the reader to judge of the balance of utility.

1. As might be expected, there have been periods of decline in vigor and efficiency. The novelty worn out, the serious work of governing sometimes became irksome ; or perhaps less energetic officers were in charge, and the administration of law became lax, as is sometimes seen in larger governments. But the increase of offences has soon aroused the sleeping energy of the youthful rulers ; or, if still apathetic, the hints of their constituents have admonished them of their duty. The Faculty have also watched over the progress of affairs ; and the Regent, by a timely chapel talk, has, when necessary, reinforced the government by recalling the minds of all to the serious character of the experiment, and to the supreme importance of their work. Without this moral reinforcement it may, indeed, be doubted if the experiment would have continued to succeed.

2. The excess of good is evil. Self-respect carried too far becomes self-conceit. The high practical appeal made to the manhood of the students, and the exercise by them of such important responsibilities tend naturally to over-excite their self-esteem, and to exaggerate the spirit of independence. The possession of power often intoxicates the young and the weak. This is, perhaps, the objectionable point in this scheme. A sensitive jealousy of any and all interference by the Faculty was occasionally seen, especially in the earlier years of the experiment, before the respective rights and real relations of the two bodies were clearly defined to the minds of the students. On one occasion, the entire body of students was nearly thrown into rebellion by a permit incautiously given by one of the professors to some students to do an act forbidden by their laws. But such results were neither frequent nor lasting. The good understanding between the students and Faculty has rarely been disturbed from this source. At worst, the excess of manly feeling is better than the total absence of such feeling. Better a mistaken struggle for disputed rights than the stealthy resistance of a rightful but hated authority, and the malicious perpetration of riot and wrong.

3. The political excitements sometimes attending the college elec-

tions, and the loss of time spent in the administration of the government, might also be enumerated as disadvantages of the system. But these excitements are much less frequent than those which occur in colleges lacking this government, and, like those in our political system, they always subside as soon as the election is over. American boyhood knows that the will of the majority is sacred and irresistible. The time spent by the officers in the administration of their offices is abundantly compensated by the knowledge gained of civil polity and of the most important duties of citizenship. Few institutions show a body of students so familiar with the usages of deliberative assemblies, or so trained in the principles of parliamentary law.

Other disadvantages may sometimes arise from entrusting a body of students with so much power, and charging them with duties so high and momentous ; but many of these would exhibit compensations of good to be gained which would overbalance the evil.

The minor and incidental advantages of the system need not be fully detailed here ; they will readily occur to the experienced and thoughtful. If the great end — that of good government — be gained, the experiment must be counted a success. Thus far, through ten years, it has been fairly successful ; not indeed without occasional failures ; not with any ideal perfection or result : yet it has succeeded so well that trustees and faculty and students are ready to continue the experiment. But will it succeed in other institutions, differently circumstanced and constituted ? Experience alone can determine. There is, however, a principle involved which renders it probable that if the experiment is fairly tried by a wise and popular Faculty, and especially in an institution not overrun with mischievous traditions, nor broken up into secret societies, it will prove a success. This principle is that of the organization of the good elements.

Good government everywhere means the rule of the better elements. In colleges, as in all other societies of human beings, there are always the good and the bad, — a good sentiment and a bad sentiment. Ordinarily good students are quiet, studious, and peace-loving ; they shun strife, and silently suffer the prevalence of wrong rather than be drawn into quarrels. The bad are noisy, active, and aggressive ; they expect strife, and are ready, when necessary, to attain their lawless ends by violent means. The good are unorganized ; for, seeking only to pursue their work in quiet, they make no combinations with others ; the evil are engaged in a perpetual round of conspiracies ; their plans usually demand confederates. The well-disposed, though the majority, are weak because unorganized ; the evil-minded are a small minority, but strong because combined. In any community the criminal classes would rule by the very terror they inspire, were it not that the law combines and arms the



law-abiding against them. Strike down all forms of law, and society becomes a mob in which the worst and most audacious lead. Every experienced college officer knows well enough that the mischiefs and outrages wrought in college are the work of a few. The better men, if not misled, keep silence and let the "fun" go on.

The experiment herein described organizes the better elements among college students; it unites openly the upright and the well-meaning in the name of law and public good; it clothes their action with the sanctity of public duty. Students, acting as a government defending public interest, cannot be stigmatized and shamed by the artful cry that they are betraying their fellows. The pernicious fallacy that the concealment of a comrade's crimes against public order is a duty of good fellowship, so fatal to ordinary college governments, here stands unmasked and robbed of its baleful power. The mischief-doer confronts not simply fellow-students, but the officers of a rightful government, organized and bound by highest duty to maintain public interests and punish crimes against society. Who cannot see the immense change which is thus introduced into college life? A revolution as from midnight to noon-day is made in popular sentiment, and college tricks stand revealed in their true character, as sins against the public peace. Their glamour of "fun" is gone at once and forever.

Finally, it is not here claimed that this single experiment has solved the problem and settled the form of the coming college government; but only that it has revealed afresh the power of a grand principle, which must certainly enter fundamentally into any government of students in harmony with the age, and which alone can hope to succeed while the age remains what it is.

JOHN M. GREGORY.

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## THE PIONEERS OF THE SIERRA MADRE.

MR. RUSKIN, that genuine and enthusiastic mountain-lover, after declaring that to him "mountains are the beginning and end of all natural scenery," adds:—

"It may not seem, from the general language held concerning them, or from any directly traceable results, that mountains have had serious influence on human intellect; but it will not, I think, be difficult to show that their occult influence has been both constant and essential to the progress of the race."

It would be interesting to apply this theory to our own country; and in no parts of it could the experiment be so well made as in the

region of that majestic range, the Sierra Madre. The first children born in Colorado are just coming to years of discretion, and preparing to put their stamp on the new State ; and the inhabitants who migrated thither, and whose places these genuine natives are to take, must, it would seem, have been in some degree affected by residence within the range of this subtle mountain influence. No tourist need be reminded to see the scenery, or visit the famous points of interest ; but that would be a sorry trip which did not include a study of the men whose labors and hardships have added the Pike's Peak coupons to the excursion tickets.

One should first know the treasure-seekers, — the back-bone of the local body politic. They are very numerous, and of many and diverse characters and conditions. The real pioneers are the men who find the mines, — the hardy, unscientific, practical prospectors. In the breasts of these searchers, of all men, does hope seem to spring most freshly and revive most surely. They plod, pick in hand, over the hills and through the cañons, frying their own salt pork, and sleeping under the stars. The occasional success of one gives new life to all the others, and their claim-stakes and dump-heaps are scattered broadcast over the land. Certain people seem to give up their lives to this strangely fascinating pursuit, while others break away at intervals, only to return again and again ; and the traveller encounters them at every turn, driving the little *burros* before them, or chipping at the scarred hillsides. The brakeman or driver who waxes confidential over the accepted cigar is very likely to say that he is about to "quit railroading and try prospecting a spell ;" and such discoveries as those of carbonate beds during the last two years send many men away from fixed and often lucrative employment into this seductive quest. Only a very small proportion are successful even to a moderate degree ; and one is fain to believe that these manly fellows, so many of whom "never are but always to be blest," are sustained in their courageous and unfaltering hopefulness by the health-giving influences of their primitive mountain life, and by the ever present thought that a day may come when they can take their places among the rich ones of the earth. No more dramatic transitions from poverty to wealth have ever occurred than during the last few years, among the miners of this region. In one town of moderate size some ten poor men have recently become very rich, estimated even by a Wall Street standard ; and the story of at least one poor prospector reads like a page from the Arabian Nights. So these bearded, flannel-shirted men will cheerfully share their "grub" with the traveller, and discourse pleasantly of the "big strike" which they expect to make ; and any one who has searched with them, and gained information, and received patient answers to his many questions, must bear them kindly in mind.



After the prospectors come the working miners, — a class enjoying probably more steady comfort and prosperity than any other laboring men in the West. Many are thrifty Cornish men. Their employment is regular and remunerative; the work in the shafts and galleries below ground causes them no inconvenience, and they allow themselves some of the luxuries of life.

Mine and mill managers and superintendents are plentiful; and as for mine owners, or rather claim owners, their name is legion. The doctors, the lawyers, the county officials, the hotel-keepers, perhaps even the clergymen, have something at stake; and one reads that "His Excellency the Governor has gone to Smithville or Slaughter Gulch [for some of the names are exasperatingly unpleasant] to look after his mining interests."

After mine-owners, and of course partially included among them, come the men whom mines and miners support, — legitimately, as in the case of shop-keepers, and illegitimately, as in the case of proprietors of bar-rooms and gambling establishments, and the "roughs" who prey in one way or another on better men. These latter are just such characters as are invariably found with the vanguard of advancing civilization in this country. History repeats itself with unerring certainty in every new mining "destrict." Reports come from a new "camp;" a rush takes place thither; experience decides whether it is to be a success, or to be "played out;" and, as soon as signs of permanency appear, the place proceeds to pass through certain regular gradations.

In the ordinary course, the visitor will first see one of the older mining towns. Here the residents have reached a stage of transition when opposing influences may be said to be in equilibrium, with decidedly favorable prospects for a triumph of the humanities. Comfortable homes, good food, recreation, — all are well in their way; but, in the beginning, the honest miner — the Gallio of the mountains — "cares for none of these things." For him "pay ore" is the one thing needful; and only with lapse of years, and the gradual self-assertion of sober business principles, do "sweetness and light" begin successfully to press their claims.

But for stranger studies the curious traveller will seek new camps; and there is one in particular which will fully meet his wants. Away up between the Park and Main ranges, 10,300 feet above the level of the sea, lies California Gulch, formerly a heavily timbered ravine. A noted placer mining camp in 1860, and seeing its best days as such in 1861, it had been almost deserted for a long time, when the carbonate deposits were found, and a tremendous rush ensued. Men poured in over the dangerous passes, and by the long détour through the valley of the Arkansas; and among the blackened stems and

stumps buried during long months under deep snows is now situated Leadville, of world-wide celebrity, which had been, in the vision of the absurd speculator, what Urembega was to the old French explorers. In tents, huts of boughs, log-cabins, and wooden buildings dwell a motley population. There are some good men and women here, and a great many hard-working miners ; but in direct ratio with the rapidity with which great gains have been made is the opportunity of the gambler and the "rough ;" and thoroughly do they use it. To be sure, the deadly pneumonia respects no man, and strikes down the fleecer and fleeced alike ; but they make the pace all the harder for the chance of a speedy end. When the poor prospector has found a good claim and driven his claim-stake, the bully often stands ready to "jump," or forcibly to occupy it ; and behind the bully are persons of ample capital, but bad character, willing to support him in the courts. To receive the man who has "struck it rich," or the laboring miner with his week's pay in hand, stand open the gambling-hells and the gaudy "rum-mills."

There is something positively startling in the holding of human life at such cheap value as it has here, and in the nonchalance with which its frequent taking is accepted. The revolver is the *ultima ratio*, and its use is in accordance with an inexorable social law. The reader may remember a brave fireman on a New Jersey railroad, who crept down to the cow-catcher of the engine to save a little child. This man was shot dead in a Leadville bar-room in 1879, and a citizen's description of the melancholy occurrence was something as follows :—

"Yer see, it reely warn't Jim's funeral. Old man Smith, he'd been keepin' the place, and his old pard Thomson he allowed to 'jump' it. An' Jim he was tendin' bar for the old man, and he hadn't no call to chip in. He was a reel quiet, gentlemanly feller, but I suppose he allowed thet, as long as the old man was a-payin' him wages, he'd orter stand by him. So, when the shootin' begun, he jest drewed on Thomson and missed ; an' Thomson got the drop on him and killed him. Thomson was a reel nice man, too, — jest as quiet, gentlemanly a feller as you ever see."

We must not lightly follow Messrs. Harte and Hay in their apotheoses of the Western rough ; nor must we, either, lightly deny him some rude virtues. The stage robbers once gave back to a passenger the \$1.75 which constituted his all, saying that they "knew what it was to be busted coming out of Leadville ;" and indeed the "busted" one finds ready friends. A grim story, current in the town, describes Faro Bill, a reformed gambler, as expounding the parable of the Prodigal Son in the choicest vocabulary of the mines ; and when he has told how "Prod got busted at faro, and cleaned out at keno, and hed to strike an old granger, and go to herdin' hogs for him, and hed n't no grub, and had to *chip in with the hogs on a husk lunch straight*," a tall per-



son rises and says : " I 've got as much respect for the Gospel as any other man, but yer can't play it down on me that when a feller was dead broke he could n't get no grub ! Whar was the dealers in the faro bank ? Whar was the boys that went through him at keno ? Why did n't he strike the nearest miner's cabin for a square meal ? I say, it's a givin' this camp pretty thin taffy ! " And then Faro Bill " draws," and the pistol shots echo merrily through the hall.

In due time all this will change. The Vigilantes have been enrolled, and a respectable resident recently remarked that they proposed having a " hanging bee " soon. The thieves and murderers generally go just a certain length, commit a certain number of crimes, reach the end of their tether, — the limit either of the law or the endurance of their fellow-men, — and disappear. Nowhere does Nemesis appear more surely, if sometimes tardily, than in the mining camp ; and in its methods there is sometimes a barbaric force. The celebrated detective and government agent who took in hand, not very long ago, the murders and robberies on a Western mail route, is said to have had much difficulty in repressing the zeal of his *posse*, when they caught the men who had plundered and killed some of their friends and " pards." According to a graphic statement, " There wuz eleven in the gang when ' he and his boys ' got after 'em. *Eight are in their graves*, two are in the penitentiary, and the boys are after the eleventh, and *they'll have him, sure !* "

Descending from this hyperborean camp of Leadville, which all must concur in calling one of the most uncanny places under the sun, one finds interesting company at Denver, Colorado Springs, and other towns, as well as in the parks and on the ranches scattered through the State. Conspicuous therein are the " old-timers," as they are called, — the men who correspond to the pioneers of California, called by Mr. Harte the " Argonauts of '49." Some of those who were here before the Pike's Peak excitement have not lacked public renown, — such as St. Vrain, who in the trading fort, by the camp fire, and in his store at Taos displayed the graces of the *ancien régime* ; the Bents, and Kit Carson, that modest old hero : but few of this class now survive. Of those who came out twenty years ago, and " came to stay," there are many living, — brave, quiet men, and sometimes of varied accomplishments, as in the case of one who is pioneer, successful explorer, brilliant railroad engineer, renowned bear-hunter, ex-cavalry officer, and profound geologist.

It was men of this class who dealt after their fashion, a few years ago, with some railroad kings who had been successful " wreckers " in the East, and undertook to acquire a promising mountain line in the manner which they had found efficacious in Wall Street. They had made some progress, when it dawned upon the " old-timers " that their

property was threatened. Their counteraction was simple and effective, and the legal laches of their opponents gave them ample openings. They voted the Eastern people out and themselves in; and, to make all sure, took possession of the road and rolling stock. Sheriffs who were needed to serve injunctions had, with singular unanimity, taken sporting trips into the mountains; and a gentle, benevolent citizen, as he once narrated, kept the opposing party out of a cañon by "having six men with rifles on a bridge, and six more *ready to blast rocks down*." "What would you do" — was asked of a superintendent, who, like poor Pillicoddy, was small but desperate, diminutive but determined, — "if they should try to tear up the tracks?" "Oh," said he, "I should telegraph Mr. — at — [a mining camp]: 'Want five hundred of *the boys*. Have sent special train!'"

These men are almost always deeply attached to their State, and loud and steadfast in her praise. So, too, are those people, formerly invalids, who have sought the dry air in time, and are rejoicing in the blessings of health. These latter furnish an element in society entirely different from the pioneers; but they are very useful and important citizens in a young State, and are making their presence and influence strongly felt. Some residents, however, who have not any such powerful inducements to bind them to the country display less enthusiasm, and even actual dislike. A worthy shoemaker at the base of Pike's Peak, who exhibited a sign setting forth his ability to cure rheumatism, said to a sympathizing inquirer, —

"Yes, *sir*, I kin jest do thet; but thet ain't what I come to Coloraydo fur. I hed a dairy up to Leadville, and you bet thet give me enough of this country. Don't want any more Leadville *in mine*. I begun all right, but them sulphur fumes jest killed my cows, and busted me. And now, with shoemaking and curing rheumatiz, I'm a trying to get together two hundred dollars; and when I've got 'em, I'll jest light out for the East so lively thet *you'll see my coat-tails a standin' out straight behind!*"

Then of other quaint and curious characters there are large store and great variety; such, for instance, as the whilom rider of the Pony Express; the honest man who enlivens his ordinary pursuits of scavenging and carpet-shaking by searches "above timber-line" in the Sangre de Cristo, for the summer haunt of the snowbird; the old stage-driver, and — if one can go as far as Del Norte — perhaps that splendid old fighter, Colonel Pfeiffer, the trusted companion of Kit Carson, who said that the wolves followed him "because they were fond of dead Indians, and he kept them well supplied." It should rightly be said that the mountain region is a "man's country." The faithful wife or sister gladly follows the head of the family into the camp; but one may detect in her, even after the amenities have put in an appearance, a sort of longing for "the States," as they are still



called. Sometimes she "enjoys poor health;" often she longs for green fields and shady roads; oftener still she misses friends and relatives; none the less is she brave and loyal.

Colorado is unfortunate in the characteristics of a portion of our "kin beyond sea" who have migrated thither, — a fact which cannot escape the notice of any careful observer. Britons generally make splendid colonists; but, for one reason or another, Mr. Ruskin could hardly fail to be disappointed in the effects of the mountains on some of his countrymen. In the first place, there are the "mauvais sujets," or the "black sheep." So notable is their presence, that a remark may be quoted as coming from a titled English traveller in Colorado, which might seem invidious on American lips. It was to the effect that this State seemed a kind of Botany Bay for Great Britain; in other words, that he found here a marked proportion of those worthies who are made to say in the old song, —

" True patriots all ; for be it understood,  
We left our country for our country's good."

Among the names of these gentry are several historic ones, which ill fit the occupations of selling whiskey by the glass, and bottling beer. One unfortunate creature blew his brains out in Denver not long ago; and many others, whose position at home was exceptionally good, have left sadly grim records in these parts.

Next come an unusual number of young men, whose course, without being vicious or harmful, shows such an absence of brains or experience, or any of the qualities which are needed by the dweller in a new country, or by the person who is to compete with the keen and active souls whom that country is sure to push to her frontiers, that one is filled with amazement at their folly in choosing this life. They often make good beginnings, and buy ranches, sheep, or cattle; but their failure is generally only a question of time. One hears melancholy stories of scores of dress coats in pawn, and delayed remittances; but it should be stated to their credit that they sometimes, when "hard up," accept employment, which, if often menial, is honest and harmless. It is somewhat of a shock to meet a man of old English family engaged in the lowest work of the farmyard or stable; but that is better than mixing "cocktails."

Thirdly come the eccentrics, — the men who seem to delight in life and occupations totally at variance with those which they have known at home, and with all their past habits and conditions. It is a positive marvel that they should behave as they do. A Cambridge "honor man" of noble family deliberately takes to driving horses from Texas, — an occupation which one would suppose might fairly madden an intellectual being. Another scion of nobility drives cattle for one hun-

dred dollars a month. An army officer works at the irrigating ditch by day and waits behind the counter of a small grocery by night. Why do these men choose our country — and such a grand part of it — for these performances? The hardy Americans regard them with undisguised contempt, and they derive, apparently, but little comfort from the society of each other. In the matter of costumes they are particularly strong. They largely exaggerate the conventional mountain style, and threaten serious rivalry in this regard with Buffalo Bill, who has transferred the scene of his deeds of valor from the broad plain to the second-class theatres. With the delightful indifference, too, of true Britons to the customs and etiquette of all nations except their own, and all cities except London, they call upon ladies in ill-smelling garments of buckskin and hats of enormous breadth of brim.

Sad to relate, the British brother goes home and abuses us. In "Fraser's Magazine," a year or more since, some one wrote rather a pleasant account of Colorado life; whereupon another scribe hastened to fulminate in the same pages one of the most curious pieces of vituperation and misrepresentation which has appeared for years, entitled "The Dark Side of a Bright Picture." In this paper a man who is called C narrates his hard lot in Colorado, and lifts up his voice in a warning to others to avoid his fate. He sought, he says, "a country where the last remnants of an old race might lay down without sorrow their traditions, and live an honest life without want by diligence;" so he entrusted an old school-friend with the selection of a ranch for himself and some youthful wards. This worthy seems to have transferred to him a bad bargain of his own; and then commenced C's tribulations. Crops did not pay; the steers broke down his fence, and he found himself in hot water because one of his tenants shot one. It had better, by Western code, have been a man. So the "remnants of an old race" declare that Americans are "patriotic charlatans" and "hypocritical swindlers;" and, shaking the dust off their feet, return to pace the broad aisles of the ancient cathedrals. C found, even in the older settlements, all the conventional accompaniments of Western life, — lynch-law, corrupt and venal judges, and the "petulant pop of the pistol." Of course there would be no use in denying to English readers that these things are so. When the artist of an illustrated London journal complained that his sketch of an Indian battle-field had been spoiled by the insertion, before engraving, of a number of camels and palm-trees, the editor wrote to him that in an Eastern scene "the British public *required* camels and palm-trees;" and most assuredly do they "require" the ruffian, the bowie-knife, and the revolver in a Western American landscape. The representative of an ancient race must have known all this, and found



nothing but what he had made up his mind to expect. If what he has written, or others of his kind might write, would deter such people from coming to Colorado, they would not have lived in vain ; but his ignorance and incompetence are so palpable that it is to be feared that this consummation cannot be expected. On general principles, such remnants of an old race are not likely to affiliate thoroughly with the honest miner, to whom the existence of the British peerage is a matter of entire indifference ; but the pioneer will allow any one to live in peace beside him, except a Ute Indian. He addresses such grumblers and malcontents as C in the incisive language used in the civil war by a certain general :—

“If you do not like the way in which affairs are managed in the United States, you have a short, speedy, and effectual remedy, — Go ! Stay not on the order of your going, but go at once. You came here without our invitation, and you will leave without our regrets !”

But he likes the better class of Englishmen who, for one purpose or another, come to his State, and who are as little pleased as any Americans at the irruption of the kinds just mentioned. On the Arkansas, in the San Luis Park, in the Wet-Mountain Valley and elsewhere they have large investments, fine ranches, and excellent flocks and herds. One British company, too, is lending money in the State, another is building a large hotel at Denver, and the Earl of Dunraven owns Estes Park, a picturesque property near the foot of Long's Peak, and makes frequent visits thither. For such people the pioneer declares is, as for him, the freedom of the land “unto the utmost bound of the everlasting hills.” For them, as for him, are the life-giving air of the great plains and the balmy, aromatic atmosphere of the cañons, the beauty and majesty of the snow-clad peaks, the great store of precious metals in the mountain fastnesses, and a large share of that prosperity now spreading over all parts of our land.

Out of these strangely diverse elements, then, is to be evolved the homogeneous population which, receiving the occult influence of the mountains, is likely ere long to give out a measure of such influence to be felt in the commercial and political future of the country. People who, to say nothing of their other achievements, send us eighteen million dollars' worth of bullion in one year, cannot long be ignored ; and the better we in the East know them, the better it will be for us.

Some readers of this paper will undoubtedly say that they know a great deal about Colorado and its inhabitants already, and that the evidences of such knowledge are to be found in the worthless share-certificates which have accumulated of late in their strong-boxes.

They have no wish, they will say, to make long journeys for the sake of looking into deserted shafts and crumbling galleries, and trying to find traces of their solid dollars therein sunk and absorbed. Such feelings are natural and anything but reprehensible. They will undoubtedly follow in greater or less degree all "mining excitements" until the millennium, or so long as human nature is unchanged. When people put money into enterprises which prove unprofitable, they are very apt to abuse all who had direct or indirect connection with such enterprises. Hence the ill favor in which some of our pioneers are at present held, and the need, in speaking of them, to examine a little into the matter.

In cycles as regularly recurring as the precession of the equinoxes come these same mining excitements. There is the strongest family likeness about them and their successive and varying phases. The subtle love for the chance of gain seems more deeply and ineradicably seated in the human breast than almost any other passion. No one who has studied the subject can fail to be convinced that this instinct inspires the mining investor exactly as it does the boy who loses his marbles at play, the ardent lover of raffles at church fairs, and the frequenter of Hombourg and Monaco. No one should ever be deceived by pleas that the money put into this or that adventure in mining the precious metals is on the basis of an investment. Any doubt on this subject can be easily cleared up by asking an old and really experienced miner. Of course it may be perfectly legitimate, and often very desirable, to put money into such things; and they may prove highly satisfactory and profitable: only let them be called by their right names. No one has ever successfully impeached the Iron Duke's sententious declaration that good interest means bad security; and any one who seeks such good interest, — or, in other words, large dividends, — should do it with eyes wide open.

On the other hand, very few people have ever realized, or can apparently be made to realize, these truths. During the Civil War there arose and culminated an extraordinary and unprecedented interest in the silver mines of the West. Silver bullion presented a most attractive contrast to depreciated greenbacks, and people became quite wild on the subject. The very remoteness and inaccessibility of the deposits added a fascination to their ownership. Men came across the plains, fighting or dodging the Indians on the way, and bringing pockets full of maps and "bonds," or written refusals of certain claims. They arrived often to retire poor and obscure at night, and to find themselves important and wealthy in the morning. People flocked to the brokers' offices, and even the carriages of the fair sex were seen in line at early hours in the morning before these depositories of the much coveted share-certificates. Young and inexperienced men were



made agents, and despatched to the Land of Promise. Then began a course of as stupid proceedings, and as shameful waste of money, as were ever seen in this world. Instead of investigating and testing the extent and merits of their property, these tyros assumed both to suit themselves. Then they shipped, at fabulous expense for freight, by team across the plains; elaborate machinery, destined for equally elaborate but utterly useless mills. As a natural consequence, the machinery lay for years on the bleak hillsides, often in unopened cases, and the buildings were put to convenient uses by the hardy mountaineers. Then came uneasiness, then fruitless demands for dividends, then quarrelling, then litigation, then — so far as Eastern silver mining speculations for some fourteen years were concerned — *le déluge*.

Time, however, rolled on, bringing forgetfulness of the past and new developments of the curious and steadily recurring mania for Argonautish adventure. Simultaneously with the revival of commercial prosperity in our country came tidings of the discoveries at Leadville. Here was a "new departure" in the business. No more arduous labor, it was declared, was to be expended in sinking shafts through hard and deep rock. No more veins, once large and promising, were to be followed as they "pinched" to the width of a few inches, — sometimes a single granite-bounded inch. Here were great flat bodies of rich and easily worked ore, conveniently placed in the ground and waiting for the shovel; for, at the risk of re-telling an oft-told tale, it should be explained that the deposits of "carbonates" are utterly different from what are called "true fissure veins." These statements did their work most effectually. The follies of the past two years have not been as costly as those of the previous excitement, because that great achievement of civilization, the railroad, has worked an astounding change in the facilities of transportation; but they have been extensive and remarkable. A number of mines have been "stocked" on the New York market, of which one may be taken as a specimen. The capital of the company was named at a certain number of millions, and the price at which the public were allowed to take the stock was \$20, or one fifth of its face value. This one fifth, it is now ascertained, represented just five times what the property cost the promoters. Suppose one of these gentry, therefore, to own a proportion of this capital stock equal to the interest in the property for which it may be assumed that he paid cash. He had then at the start but to sell one fifth of his holding to the eager "lambs;" and he had not only recouped himself, but held as a cash asset a profit of four hundred per cent. But the market price advanced to 32, and he had but to wait until that time to dispose of his holding at an advance of sixty per cent, or an aggregate profit of six hundred and forty per

cent, to say nothing of dividends received in the mean time. Those, on the other hand, who paid 32 cannot at the present writing dispose of their holdings at better than 2. Against the six hundred and forty per cent profit of the "wolf" may be put the nearly ninety-four per cent loss of the "lamb." As this state of affairs is quite bad enough, it is not necessary to develop even more unpleasant phases of the business, such as the manipulation of stocks for the purpose of extorting still further tribute from suffering victims.

These same victims, be it known, are of various and diverse classes. An inspection of the share lists of the mining companies would be perfectly astounding. They embrace the shrewdest and the most successful, and, alas! the most guileless and inexperienced. Nor have they omitted the conventional precautions. They have sent out "experts" by the score, and the reports of these gentry are duly recorded; but, to quote a witty Secretary of State, "affidavits ain't lobsters," — favorable reports are poor excuses for gutted properties and exhausted deposits.

To cut short a tempting line of disquisition with a remark of concentrated shrewdness, hear what the old mining operator said: "Always buy a 'prospect hole;' always sell a dividend-paying mine. For, be well assured, the public will discount any probable profits."

Two considerations here suggest themselves, — one, that if people will never heed the lessons of the past in mining matters, but will over and over again offer themselves as voluntary sacrifices, they cannot complain if shrewd operators find their opportunity in such displays of weakness and credulity. The other consideration, and the one more pertinent to the main subject of this paper, is that the genuine pioneer is hardly the offender. These mining schemes can rarely, if ever, be brought to a point of success in an Eastern market by the man who found the ore. The hardy prospector is not sufficiently unlike his fellow-man to object to a handsome profit; but such profits are apt to go to the army of people whose aid, in one shape or another, is needed before the company is "floated."

The true philosophy of mining operations may, it is certain, be summed up in two words, — *caveat emptor*. Subscribing them on the first page of his note-book, the student of human nature in the West may pursue his investigations quite undisturbed by fears of unpleasant experiences in this direction.

It is proper to say, in conclusion, that many an appreciative pilgrim to the Sierra Madre will be absorbed in the enjoyment of its influence, not on the residents, but — direct or indirect, subtle, personal, positive — on himself. Who that has once known it can ever forget that rare experience, — the sight, after the weary journey over the arid plains, of the faint, blue cloud on the horizon; then the misty outline of the



peaks ; then, standing boldly out against the sky, the great Snowy Range, so vividly realizing that exquisite Scriptural figure, "the shadow of a great rock in a weary land" ? Who, when granted the privilege of revisiting these scenes, can fail to exclaim, with the Alpine wanderer, —

"O mount beloved ! mine eyes again  
Behold the twilight's sanguine strain  
Along thy peaks expire.  
O mount beloved ! thy frontier waste  
I seek with a religious haste  
And reverent desire."

A. A. HAYES.

## M. ALEXANDRE DUMAS, *FILS*.

WITH the appearance of M. Alexandre Dumas, *fils*, on the stage, a fresh force came into the French drama. To say this is easy ; but to qualify this force adequately and to define its limits is no light task. The two other dramatists, each in his way remarkable, who stand to-day with M. Dumas at the head of French dramatic literature, are comparatively simple problems. In M. Sardou we see the utmost cleverness and technical skill, heightened by a girding wit : he continues the tradition of Scribe, adding all the modern improvements. In M. Augier we behold a high and genuine literary value, a humorous and broad humanity ; he inherits by right of primogeniture from Molière, and observes mankind with the large frankness of his master. But M. Dumas continues no tradition ; he is that rare thing in literature, — a self-made man. He derives from no one ; he expresses himself, and with emphasis ; he is a personal force. Not condescending to the ingenious trickery of M. Sardou, and never rising to the lofty liberality of M. Augier, his place in the dramatic hierarchy is not so readily fixed as theirs ; his character is not so simple, — in fact, it may fairly be called complex, and even contradictory. Here, for instance, is a bundle of inconsistencies. With a real power of creating character, there is no dramatist who has more often and more boldly brought forward the same faces and figures. While declaring in one volume that he knows no immoral plays, but only ill-made ones, in another volume he asserts that the stage in itself is immoral : setting forth in one piece the right of assassinating the erring wife, he sets forth in the next the duty of forgiving her. In comedies inherently vicious he pauses to preach virtue, but with a bluntness of language at times shocking even to vice.

He has written the "Ami des Femmes" and the "Visite de Noces," — two plays which imply that their author does not suspect what "good taste" means; and yet he has been elected a member of the French Academy, constituted to be a tribunal of taste. The historian of the "Dame aux Camélias" and the discoverer of the "Demi-Monde," — a word with which he has enriched the vocabulary of the world, — he has stood forward in the name of the Academy to bestow prizes of virtue. The son of a prodigal father always poor, he himself is wealthy and frugal; and finally, brought up in all the looseness of the lightest Parisian society, he has the Bible at his fingers' ends, and quotes the Scripture as freely as an Orthodox New Englander. With such a character and such a career, M. Dumas is one of the most interesting and curiously complex figures of our century.

The literary baggage of M. Dumas is not over bulky. Exclusive of about a dozen juvenile novels of little or no value, it is contained in eleven volumes. The collected edition of his plays, in which each piece was accompanied by a preface in which the author freed his mind, began to appear in 1868; the sixth and, for the present, final volume was issued late in 1879. Under the apt title "Entr'actes" a collection of his miscellaneous essays came out in three volumes in 1878-79. The dramaturgical chapters are of great value, the general literary papers are interesting; and so competent a critic as M. Auguste Laugel has at length, in letters to the "Nation," praised the political portions. A later novel, the "Affaire Clémenceau," put forth in 1867, and a discussion of the "Question du Divorce," published only last winter, complete the list of M. Dumas's acknowledged works. More or less anonymously, he has had a hand in half-a-dozen plays not wholly his own. Chief among these are the "Supplice d'une Femme" of M. de Girardin, and the "Danicheff." It is as a dramatist only that M. Dumas is now to be considered. Such portions of the books mentioned above as do not either relate directly to the stage or reveal peculiarities of the author's character may be passed over. So far as may be, attention will be confined to the twelve important plays which M. Dumas produced in the twenty-five years, 1852-1876.

M. Alexandre Dumas, *fils*, was born in Paris in July, 1824, a few days after his father was twenty-one years old, and a few years before his father had begun that career of literary notoriety and inexhaustible production which was to end only with his death. Like his grandfather, he was an illegitimate son, — a fact which seems to have given a congenital bias to his future writings. In one of his many autobiographic fragments, the elder Dumas referred grandiloquently to the birth of his son: "The 29th of July, 1824, while the Duke of Montpensier was coming into the world, there was born to me a Duke of



Chartres." M. Dumas himself, in a letter to M. Cuirllier-Fleury, which serves as a preface to the "*Femme de Claude*," speaks of the circumstances of his birth with real eloquence. He protests against the law which marked him, an innocent babe, with the stigma of illegitimacy. He says:—

"Happily, my mother was a noble woman, who worked to bring me up, — my father being a petty employé at twelve hundred francs a year; and by a happy chance it turned out that my father was impulsive but good. . . . When, after his first successes as a dramatist, he thought he could count on the future, he formally acknowledged me as his son, and gave me his name. This was much: the law did not compel him; and I was so grateful to him for it that I have borne the name as nobly as I could."

The boy was then put to school under Prosper Goubaux, the author of "*Thirty Years of a Gambler's Life*." His schoolfellows bullied him unmercifully because he was a natural son. "My torture, which I have depicted in the '*Affaire Clémenceau*,' and of which I did speak to my mother so as not to worry her, lasted five or six years." These years of suffering gave him habits of observation and reflection. Removed finally to another school, he regained his strength and his growth. At twenty he was a healthy lad, who, having known misery, was only too eager for pleasure enough to balance the account. His father, making and spending recklessly, was glad to have his son share in his prodigalities; and M. Dumas soon plunged headlong into the vortex of Parisian dissipation. But, to quote again from his letter: "I did not take great delight in these facile pleasures. I observed and studied more than I enjoyed in this turbulent life." Yet he was swept along by the current for several years, writing juvenile novels, more or less imitations of his father's inimitable fictions, gathering a load of debts, and laying up a stock of adventures and experiences for future literary consumption. In all his earlier plays he drew from the living model. The "*Dame aux Camélias*" and "*Diane de Lys*," and even the "*Demi-Monde*," were, as he tells us, "the echo, or rather the reaction, of a personal emotion, to which art gave a development and a logical conclusion happily lacking in life." One may perhaps hazard the suggestion that since M. Dumas has exhausted his personal experience, and has to rely altogether on his invention, as in the "*Étrangère*," his plays are not nearly so good; whence we may fairly infer that the early adventures of the man were necessary for the full development of the author.

"It was the play of the '*Dame aux Camélias*,'" he says, "which began to free me from the slavery of debt, and of the society to which I owed both the debt and the success. I promised myself not to fall back either into debt or into this society; and I kept my promise at the risk of being called ungrateful." Written when the author

was but little more than twenty-one, the novel of the "Dame aux Camélias" had been published with striking success just before the revolution of 1848. It decked out afresh a figure of which the French seem fonder than any other race. Manon Lescant gave birth to Marion Delorme, and Marion Delorme was the mother of the Dame aux Camélias, who in turn can vainly deny her latest offspring, Nana. Truly, it is an unsavory brood. The popularity of the novel suggested its dramatization. The elder Dumas thought ill of the project; and it was not until a melodramatist showed the author the *scenario* of a black melodrama, which he had taken from the novel, that — in sheer revolt at such treatment — M. Dumas himself set to work at it. In eight days the play was finished, so the author tells us; and the statement does not seem extravagant. As in the case of the "Supplice d'une Femme," which he wrote later with extraordinary rapidity, he had his material all under his hand; and the play was not comedy, which calls for slow incubation, but a drama of simple passion, which could be struck off at a white heat. In spite of the speed of its production, the "Dame aux Camélias," of all plays which any author has made out of his novel, shows least traces of a previous existence.

One would suppose that all the stage-doors in Paris would open wide to receive a dramatization of his successful novel by the son of one of the foremost novelists and dramatists of France; but it was more than three years before the play was tried by the fire of the footlights. Rejected by nearly every theatre in Paris, it was at last accepted at the Vaudeville, only to be vetoed by the censors. Patronized by the Duke of Morny, the government interdict suppressed it until after the *coup d'état* of December, 1851, when the duke himself entered the ministry. He believed in providing sensations for the people of Paris, and if possible in diverting attention from politics to the playhouse. Feb. 2, 1852, the "Dame aux Camélias" appeared at the Vaudeville Theatre, Paris, for the first time on any stage. It was an instant success, holding the stage for a hundred nights or more. It has since been revived in Paris half-a-dozen times, and always with the same success. A mutilated and innocuous alteration of it, prepared by Miss Jean Davenport (afterward the wife of Gen. Lander), was acted by her in America. It was called "Camille, or the Fate of a Coquette," — a title which shows how the story suffered in the interest of Procrustean morality. Later the piece was taken up by Miss Matilda Heron. An Italian version of the play served Signor Verdi as the book of his "Traviata," — an opera which the Lord Chamberlain permitted to be performed in London, while prohibiting the acting either of the original French play or of any English alteration of it.

The "Dame aux Camélias" was at once simple, pathetic, and au-



dacious. It emancipated French comedy, and gave it the right of free speech. To judge it fairly, one must consider the comedies which held the French stage before its coming. There were Scribe and his collaborators, with their conventional and machine-made works; and there were Ponsard and M. Augier with their plays, poetic in intent and finely polished, but as yet reflecting nothing vital and actual. The great merit of the "*Dame aux Camélias*" is that it renewed modern French comedy by pointing out the path back to Nature and the existing conditions of society, and by showing that life should be studied as it was, and not as it had been or as it might be.

There is no need to dwell on the character of the play. As M. Montégut pointed out over twenty years ago in the "*Revue des Deux Mondes*," the story of a courtesan's love may be a poetic subject if treated with elevation, or it may be a degrading subject if treated realistically; adding that M. Dumas had chosen a middle course, and that the result was little more than a vulgar melodrama. Before M. Montégut wrote, the subject had been treated poetically in M. Hugo's "*Marion Delorme*;" since, it has been set forth with unspeakable realism in M. Zola's "*Nana*." In M. Dumas' play we avoid the offensiveness of the latter, but we miss wholly the poetry of the former. On one of its revivals, a competent French critic declared that it bore itself, even in its old age, like a masterpiece; and an almost equally competent American critic recorded that he had had a hearty laugh over its "colossal flimsiness." It is, in fact, not to be taken too seriously. It carries one along by the rush of youthful strength; yet one has time to note phrases horribly out of tune, and to detect a sort of sentimentality run mad. In general its morality is cheap, not to say tawdry. In short, the play seems to me youthful, — in the objectionable sense of the word. And I am half inclined to think that the *Dame aux Camélias* herself is doing exactly what she is best fitted for when she serves as the heroine of an Italian opera.

"*Diane de Lys*," the second play of M. Dumas, calls for no detailed criticism. Like the "*Dame aux Camélias*," it was taken from an earlier novel. It is not so direct, simple, or sincere as its predecessor. As M. Dumas himself suggests, the second play is inferior to the first; it cost but a few days' work, and was written to pay off lingering debts. The play shows that the impulse which called it into being was wholly external. It is a manufactured product; it was a reworking of old material, lacking wholly the youthful freshness which gave the "*Dame aux Camélias*" so individual a savor. Paul, the hero, like his forerunner Armand, is obviously a projection of the author's own profile. Neither Armand nor Paul comes up to our standard of a gentleman. In his first scene with Diane, Paul off-hand and needlessly betrays the confidence of the friend who has just

presented him to her. Diane herself is none too ladylike ; she seems a sort of study for that much finer portrait, the Duchess, in the "Étrangère." But with time M. Dumas' touch had become firmer and more delicate. The Duchess would be above the brutal frankness of Diane, who, when her husband's sister begs her to guard the family honor and to remember that she bears the family name, retorts point-blank, "There's no danger that I forget it ; your name costs me enough : I paid four millions for it !"

"Diane de Lys," however, did one thing, — it freed the author from debt, and enabled him to devote eleven full months to the execution of his next and best play, — the "Demi-Monde." Intended for the Gymnase Theatre, the author was constrained to offer it to the Comédie-Française, dexterously choosing his time, however, so that it might be rejected. Acted at the Gymnase in 1855, a score of years later it was triumphantly adopted by the Comédie-Française, where it is now a chief comedy in the current repertory. A word as to the title, before we consider the comedy itself. By the phrase *demi-monde*, M. Dumas meant not the class of courtesans, but the class of exiles from society. The half-world is peopled by those who have fallen from grace, and not by such as have always been outcasts and sinners. It is in the main an association of repudiated wives. As De Jalin, the witty Parisian of the play, tells De Nanjac, the soldier just fresh from Algeria : "The first wife, who was thrust from the door, went to hide her shame and weep over her sin in the most sombre retreat she could find ; but — the second ? The second set out to find the first ; and when they were two, they called a fault a misfortune, and a crime an error ; and they began to console and excuse each other. When they were three, they invited each other out to dinner ; when they were four, they had a quadrille." And then De Jalin goes on to account for the later recruits, imitation widows and brevet wives, — "in short, all the women who wish to have it believed that they have been what they are not, and who do not wish to appear what they are." There is a distinct boundary line between this society and that of the venal courtesans who have since arrogated to themselves the title of the *demi-monde*. There is an equally distinct boundary line between this society and the real *monde*, — the world of fashion and society at large. "It is to be known best of all," says De Jalin, "by the absence of the husband." In the most celebrated speech in the comedy, De Jalin likens the *demi-monde* to a basket of peaches in the window of a Parisian fruiterer. You ask the price of a basket in which each peach is carefully wrapped in paper and protected by leaves : these peaches are thirty cents apiece. Alongside of this basket is a second, in which the fruit is seemingly as good, save that it is somewhat huddled together : but the price of these is but fifteen



cents. If you ask why there is this difference, the dealer lifts one of the latter carefully, and shows you a little spot on its lower side. The fifteen-cent peaches are all speckled ; and the *demi-monde* is the basket of fifteen cent peaches.

The play sets forth the struggles of a clever woman, Suzanne d'Ange, calling herself a baroness, to get out of the troubled waters of this doubtful world into the haven of matrimonial respectability. M. de Nanjac — a hot-headed and warm-hearted young soldier — has fallen in love with her just after his arrival from Africa ; and, unsuspecting her past, he is about to marry her. But his friend, M. de Jalin, has the best of reasons for knowing her to be unworthy ; and in the end, by an ignoble trick, he opens De Nanjac's eyes, and prevents Suzanne's marriage. In spite of this defect, — less patent to Parisian eyes than to ours, — the "Demi-Monde" is a masterly play. It stands the three-fold test, — it is good in plot, dialogue, and character. The story is one which we follow with interest to the finish with a growing desire to be in at the death. In dialogue it is as brilliant and as metallic as any M. Dumas ever wrote. The characters are splendidly projected against the dim background of a dubious society, and contrasted one against the other with the utmost skill. De Nanjac's heat, for instance, sets off the coolness of De Jalin. In De Thounerins we see a second edition of the old duke invisible in the "Dame aux Camélias ;" and in Valentine we see the first sketch of the future Iza of the "Affaire Clémenceau," and of the wife of Claude. The chief person of the comedy, Suzanne, is a boldly drawn character, almost worthy of a place by the side of the nobler and more poetic figure of M. Emile Augier's "Aventurière ;" four years later she reappears with a hardened outline in the Albertine of the "Père Prodigue."

M. Dumas is fond of these reduplications of a favorite character. He confesses that he took a certain Count de R. as the model for Gaston in the "Dame aux Camélias," Maximilien in "Diane de Lys," and De Jalin. The same character also appears as René in the "Question d'Argent," as De Ryons in the "Ami des Femmes," and as De Taldé in the "Danicheff." If the author had not told us distinctly that he had copied De Jalin from the Count de R., one would have called De Jalin a rib from M. Dumas' own breast, — the more especially as M. Dumas has twice used the name of De Jalin to sign plays to which he did not wish to put his own name. And yet, in spite of the author's liking for him, one cannot help thinking him a contemptible fellow. He is lacking in the instincts of a gentleman ; he has neither delicacy nor frankness. He ought to keep a secret sacred, but he leaks by insinuation all the time. Granting that it is his duty to prevent the marriage of an adventuress to an honest man,

it should be done somehow honorably and openly, not underhand and stealthily, by ignoble trickery. Surely so clever a man as De Jalin could find some other means than the unworthy device by which he traps Suzanne into a confession of love for him; and surely nothing is to be said for the brutality of his outburst of laughter when his stratagem has succeeded, and he holds her in his arms in the sight of the man she hoped to marry. And on top of this the author goes out of his way to give De Jalin a certificate of honor: as the curtain falls, De Nanjac declares him "the most honest man I know." Even M. Edmond About, reviewing the "Demi-Monde" in the "Revue des deux Mondes" calls De Jalin a type sympathetic to the audience.

The "Demi-Monde" is the model of nineteenth century comedy, just as the "School for Scandal" is the model of eighteenth century comedy. The contrast of the two plays would be pregnant did space permit. The seemingly careless ease with which Sheridan has sketched his characters, and the airy humor which informs the whole comedy make us accept a story and special scenes far more dangerous than anything in M. Dumas' piece; and yet the impression left by the "School for Scandal" is pleasant, while the "Demi-Monde" is almost a painful spectacle. We cannot help liking some of Sheridan's characters, — Lady Teazle, for instance, and Sir Peter, in spite of his uxoriousness, and Charles, too; while even the scandalous college — after making due allowance for the tone of a by-gone century — is not wholly repulsive. But no woman in the "Demi-Monde" should we wish a wife to visit, and no man in it should we care to shake by the hand.

Perhaps it was M. About's reproach that in the "Demi-Monde" M. Dumas had painted only a certain society, and not society at large, that led him, in his fourth play, the "Question d'Argent," brought out in 1857, to attack a more general subject. It is a play of no great value, much inferior in interest to its predecessors, but differing from them in that it is really a comedy. Both M. Dumas' earlier plays were dramas; and even in the "Demi-Monde" the situations at times are on the verge of melodrama. But the "Question d'Argent" is pure comedy. Its incidents are entirely the result of the clash of character on character; and its central figure, though marred by a touch too much of caricature, is one of which any comedy might be proud. We are shown boldly and with novel effect Jean Giraud, a self-made man, with unbounded skill in scheming, and no sense of right or wrong. He is a restless, uneasy speculator, young, and already very wealthy, but never quite sure of his footing. In "Ceinture Dorée," and again in the "Effrontés," M. Émile Augier has shown how vainly ill-gotten riches can live down the bad repute of their origin. In "L'Honneur



et l'Argent," Ponsard was emphatically moral in his denunciation of speculating financiers. But Ponsard was serious and poetic, while M. Dumas chose to see the comic side of the speculator's career, and to show up the ridicule of the suddenly enriched snob. Ponsard preached; M. Dumas at least enlivened his sermon with wit and humor. The comedy is less tainted with M. Dumas' views and theories than any other of his plays written before or since. It is more wholesome, and it might be read or seen by any one without damage or danger. Unfortunately the fable is weak, and the figure of the financier who believes that money is absolute monarch, though boldly outlined, is not always artistically filled in.

"Here is a comedy for which I confess my predilection. This comes, perhaps, from its having cost me a great deal of work," writes M. Dumas at the head of the preface of the "*Fils Naturel*," acted in 1858 at the Gymnase, and revived, like the "*Demi-Monde*," at the Theatre-Français a score of years later. In the last century the founder of modern drama, Diderot, wrote a "*Natural Son*," which was the illegitimate father of a play of the same name by Kotzebue, adapted to the English stage by Mrs. Inchbald, to the American by William Dunlap, — our first playwright, — and often acted by the American Infant Roscius, John Howard Payne, who had cleverly amalgamated the Inchbald-Dunlap versions for his own use. There is a fine theatrical situation in Kotzebue's play, when the natural son, seeing his mother sick unto death from want, takes to the highway and puts a knife to the breast of the first passer-by — his own father, as it chances. But in even technical excellence M. Dumas' play does not yield to Kotzebue's. It is an admirable specimen of stage-craft; and it is no wonder that two such experts in dramatic art as M. Sarcey and M. Perrin, the director of the Théâtre-Français, should incline to consider it M. Dumas' masterpiece. No wonder is it, either, that such praise should revolt at M. Zola, who has a fresh theory of throwing on the stage "nature" raw and crude, as in a photograph. M. Zola holds that M. Dumas "never hesitates between reality and a scenic exigency, — he wrings the neck of reality;" and he says that M. Dumas "uses truth only as a springboard to jump into space." In the "*Fils Naturel*," for the first time, M. Dumas sought to set a social problem on the stage; and yet nowhere else has he shown so full a share of the constructive faculty which is the birthmark of the true dramatist, but which M. Zola chooses to condemn.

Kotzebue had treated the demand of the illegitimate child for bread, — for physical support; M. Dumas chose rather to consider his claim to a place in his father's family, and to his right to his father's name. M. Dumas has a prologue specially to show how it was that his young hero had a large fortune left to him by a stranger. Then in the play we have

the story over again of d'Alembert and Mme. Tencin. The natural son first seeks his parent's name, and then refuses it. The play is a model of equilibrium. In the first half we see the hero gradually discovering his illegitimacy. At the end of the first act he is told his father's name. "Where are you going?" asks his informant. "To my father's." "What for?" "Why, to see him, since I have never seen him!" On this exit-speech the curtain falls. In the next act is the scene between the father and the son, in which the former refuses to give the latter any satisfaction whatever. Then in the last half of the play we see how the son becomes more important to the father, and well known in the world at large. Finally, to further his own interests, the father offers to the son the name he refused at first; and the son in turn refuses, preferring to keep the name he has made for himself, — his mother's.

The choice of the subject and title of the "Fils Naturel" by M. Dumas was scarcely in the best of taste. Still worse was the name of his next play, — the "Père Prodigue," acted in 1859 without any great success. What the elder Dumas was we all know: he was truly a prodigal father. His son is reported to have said of him, "My father is a child I had when I was young." But the bad taste is confined to the title; in the comedy itself there was no trace of unfilial personality. The son of Dumas was not a son of Noah, to uncover his father's nakedness. The play, however, is not good. It is overladen with incident; and — as a French critic remarked when it was first acted — it might almost begin with the second act, or the third, or even the fourth. Poor as the play is, it contains one of M. Dumas' most successful characters. The prodigal father is in the true high-comedy vein. By the side of M. Dumas' bull-headed and sentimental heroes, and of his preternaturally witty heroes, — projections of his own impulses and cleverness, and reduplicated to fatigue, — is a series of comic characters of great force and originality. No dramatist of the nineteenth century has enriched literature with more amusing comic portraits. The prodigal father in this play, the self-made speculator in the "Question d'Argent," the broken-down and philosophic artist Taupin, in "Diane de Lys," the clear-headed and good-hearted notary Aristide, in the "Fils Naturel," the outspoken Madame Guichard in "M. Alphonse," and the profligate Duke in the "Étrangère," — these are figures firm on their feet, and worth, any one of them, more than all the interchangeable De Jalins and De Ryons.

Better by far than these mere figments of cleverness are the fresh faces of sprightly and self-reliant young girls seen now and again in M. Dumas' comedies, and bearing a family likeness one to another. The Mathilde of the "Question d'Argent" is only a little less decisive



than the Hermine of the "Fils Naturel;" and had either of them grown up in the *demi-monde*, she would not have been unlike Marcelle. In Jane de Simerose, in the "Ami des Femmes," we see the same type. The "Ami des Femmes" was not acted until 1864, five years after the "Père Prodigue;" and although it called forth greater controversy, it had no greater success. It is, in fact, by far the poorest of M. Dumas' plays. There is really little or nothing to admire in it; there is less wit than usual, and no action to speak of. It may be passed over with the remark that its subject was bad, and the taste with which it was treated was worse. Its subject, indeed, is one wholly unfit for stage-treatment, unless, as M. Dumas sometimes hints, the theatre ought to be an amphitheatre for gynaecologic clinics.

Here I must break off the criticism of successive plays, to consider a change which has gradually come over M. Dumas himself. It is a total alteration of the author's attitude toward his own art, the result of an awakening in the nature of the man. In all the comedies written before this transformation,—even in the "Fils Naturel,"—Dumas was first of all a dramatist, and the writing of the best play he could was his aim. Afterward he became a moralist, a teacher, a leader of the people; and to set an example and to prove something was M. Dumas' object in putting them on the stage. This change in the author's views had been brought about by a curious change in the man himself,—a change which may be described as an evolution to virtue from an environment of vice. It seems as though M. Dumas had found out by experience what most other men are fortunate enough to get by inheritance and training. Having grown up without strict or severe education, having seen laxity from his youth up, and having lived years of his life in the *demi-monde*, where morality is but a word, M. Dumas was surprised to discover that morality is also a thing. As he says in "M. Alphonse," a young man left to himself, badly brought up and badly surrounded, may probably fall into errors; "but little by little, if he have intelligence, he will learn for himself what others have not taught him." So M. Dumas taught himself. He knows by experience, as one may say, that honesty is the best policy, and that vice does not pay. He is at the end of a course of practical ethics; and his experiments have been made *in corpore vili*—his own. He has been taught by his own sufferings. So far as morals go, one might call him "a self-made man." Of course there are many things he has not yet found out. The world is older than he, and has suffered more, and likewise learned more. But what to many well-meaning persons are but commonplaces, M. Dumas holds to firmly as precious discoveries of his own; and he is so pleased with his discoveries that he seeks to cry them aloud from the housetop. Like all converts, he has undue zeal. He is seized with a burn-

ing impatience to spread the glad tidings abroad ; and to this is coupled an emphatic intention that they shall not be misunderstood. In all his later plays there is the viciousness of vice and the virtuousness of virtue in every third line. Unfortunately his taste has not always improved with his morals ; and the other two lines often offend more than the one line benefits.

M. Dumas has always shown the tendency toward mysticism not infrequent in men of his temperament. Even in the " Dame aux Camélias " the curtain finally fell on a quotation from the New Testament. Now he frankly takes to preaching, and puts his audacity, his patience, and his ingenuity at the service of the strange system of sociology which he has evolved from his inner consciousness. His skill as a dramatist is bent to the making of purely didactic dramas. He comes forth in the purple and fine linen of the stage to set forth a doctrine of sackcloth and ashes. In the expounding of his new views, his style is harder and more brilliant than ever ; and he explains his latest moral kinks with no sign of sweetness or light, but with great rigor and force.

In the " Idées de Madame Aubray," acted in 1867, and the first fruits of this new philosophy, the preacher fortunately has not yet overmastered the playwright. The piece is a marvel of polemic literature, — a model in the art of teaching by example. Mr. John Morley instances it as one of the very few modern plays which Diderot would recognize as belonging to the *genre sérieux*, which began with his own " Père de Famille." It treats an important subject honestly, and with intellectual seriousness. There is none of the petty begging of the question which disfigures two other works on the same subject, — the " Fernande " of M. Victorien Sardou and the " New Magdalen " of Mr. Wilkie Collins ; both clever men, lacking, however, in the courage and the candor needed to face the problem fairly. There is a fourth work of fiction, published not long after M. Dumas', which approaches the subject with the same appreciation of its demands and its difficulties.

This novel is " Hedged In," by Miss Elizabeth Stuart Phelps, — as representatively New England as the " Idées de Madame Aubray " is French. It is of course a mere paradox to say that M. Dumas, since his regeneration, appears to me as a typical New-Englander ; but he has something of the New England spirit, and he stands at times in the New England attitude. He recalls, in a way, both Nathaniel Hawthorne and Oliver Wendell Holmes. His theology is in essence Unitarian, and I have before made mention of his very New England knack of Biblical quotation ; and, as his recent volume on " Divorce " shows, he is as prone to search the Scriptures for a text wherewith to smite his adversary as are any of those chips of Plymouth Rock who



"take to the ministry mostly." Without pushing the analogy too far, it stands out plainly when we set the "Idées de Madame Aubray" by the side of "Hedged In," and see that both the American and the French writers, though differing greatly in mental equipment, approach the subject from the same point of view, and give it the same austerity of treatment. M. Dumas lights up his logic with flashes of his Parisian wit, while Miss Phelps relieves the stress of undue sentimentality by a sort of imported English humor. But these are externals.

In considering the problem of the redemption of the woman who has fallen but once, each author gives us a picture of a sincere Christian woman, who believes in the gospel of doing good. Madame Aubray and Margaret Purcell are close enough akin to be twin-sisters. Each of them has a child of her own, — Madame Aubray a son, Mrs. Purcell a daughter. To each of them, abundant in good works, comes the opportunity of befriending a young and unmarried mother. In each case the father of the nameless child reappears on the stage. Madame Aubray and Mrs. Purcell have each to choose between her sense of duty and her ardent affection for her own child. Both Miss Phelps and M. Dumas fight fair. There is no begging of the question; the problem is looked in the face; the objections to the thesis are plainly shown. M. Dumas even turns his honesty to advantage. The philosophic observer who acts as Greek chorus sums up bluntly the feelings of the average spectator, *c'est raide*, — "it's pretty steep!" and the audience, hearing the author thus give vent to their own verdict, go away without shock or resentment. For in the French play the action takes a more personal turn than in the American novel. Madame Aubray has to consent to her only son's marriage with the redeemed sinner, while Miss Phelps kills off her penitent. It cannot be said that either play or novel has a satisfactory ending, or that the conclusion of either is in any sense a true *dénouement*, — an untying; and this because no work of fiction, however clever, can at best do more than show one way of cutting the knot.

Just what moral M. Dumas meant to advance in his next piece, — a comedy in one act, called the "Visite de Noces," and acted in 1871, — I cannot imagine. It is an inquest on the internal corruption of man. Perhaps the verdict is just, in view of the evidence produced; but the impulse of a healthy man would be to let such matter drop into the gutter, where it belongs. To lift it thence is to stir up muddy depths of degradation to no purpose.

In a novel, the "Affaire Clémenceau," published just before the "Visite de Noces," and in the two plays he brought out after it, — the "Princesse Georges" (1871) and the "Femme de Claude" (1873), — M. Dumas returns to an early theme. Indeed, we may consider "Diane de Lys" as the first of his dramas of adultery and death.

In "Diane de Lys" and in the "Princesse Georges" the husband kills the lover. In the "Affaire Clémenceau" and in the "Femme de Claude," in which M. Dumas has treated a situation essentially identical, the husband kills the wife; and in a later play, the "Étrangère," it is the husband who is killed.

Neither the "Princesse Georges" nor the "Femme de Claude" can be called good plays, or even well-made plays. Knowing that Madame Desclée acted the heroine of each, one is inclined to see in them scarcely more than two strong parts. The thesis in each case has proved too heavy for the plot. In the "Princesse Georges" the thesis seems to be the duty of feminine forgiveness; in the "Femme de Claude," the duty of summary justice. I say *seems*, for the exact target of M. Dumas' bullet is not unmistakable, despite much talk about it. Unfortunately the theorist got the better of the playwright, especially in the "Princesse Georges," in which two ladies of the highest society explain the bad character of the Comtesse de Terremonde at inordinate length and in M. Dumas' own style, with recondite historical and scientific allusions; and shortly after they have done, another of the actors — this time a notary — takes up the parable, and preaches another page of the same sort of stuff. After reading these diatribes, with all their pseudo-scientific parade, one can scarcely help wondering whether M. Dumas is not laughing in his sleeve at us. But no, I think his sincerity beyond dispute, only — well, only I wish he would not believe in himself quite so emphatically. If indeed he were not so sincere, there would be only one word to describe his attitude with exactness; and that word, unfortunately, is yet waiting its passport into good society. If I may venture to use it, however, I shall say that M. Dumas has sublime *check*. Now in this very "Princesse Georges" the general verdict was that the catastrophe was a mistake. The Princesse Georges, knowing that her husband is about to go off with an adventuress, and knowing her own helplessness, declares her intention of taking the law into her own hands. She warns the jealous husband of her rival that his wife has a lover. Then, when the husband of the Princesse Georges is going into the trap which the jealous man has set for the unknown lover of his wife, the Princesse does what she can to prevent his going, but without avail; when suddenly, as she is clinging to him ineffectually, a shot is heard, and we are told that the jealousy has brought down a young man whom we have seen making juvenile love to the adventuress. Now this ending is all wrong, and wholly unworthy of M. Dumas; who, however, defends it by saying that the Princesse Georges would be guilty of cold-blooded murder if she let her husband go to certain death. This is all very true. I do not ask that the Prince should be shot; but I do ask that M. Dumas should not take me in by a petty



trick, — that, having led me to think that the Prince was to be killed, he should balk this legitimate expectation by a wrench of probability. M. Dumas can afford to leave such clever devices to M. Sardou; they do not become a teacher and a preacher. Unfortunately M. Dumas at bottom is governed by his emotions; he sees things passionately, and drives on to a vehement conclusion. But he has even more than average French logic; he always seeks to prove — to himself first of all — that the end his feeling has arrived at is the only orderly one in the nature of things, and indeed the best of all possible endings.

One is less disposed to dispute the fatal conclusion of the “*Femme de Claude*.” Emerson tells us that “the Koran makes a distinct class of those who are by nature good, and whose goodness has an influence on others; and pronounces this class to be the aim of creation.” M. Dumas reverses this. He shows us, in the “*Femme de Claude*” and elsewhere, a woman by nature irredeemably bad, and of evil influence on all; and he pronounces destruction on this class. Mr. John Morley, speaking of the unforgettable figure which dominates that tale of unholy passion, Diderot’s “*Réligieuse*,” says that “it is a possibility of character of which the healthy, the pure, the unthinking, have never dreamed. Such a portrait is not art, that is true; but it is science, and that delivers the critic from the necessity of searching the vocabulary for the cheap superlatives of moral censure.” M. Dumas’ science is not so deep as Diderot’s, but the attempt is the same in kind. In the *Valentine de Santis* of the “*Demi-Monde*” we see the first sketch; in the *Comtesse de Terremonde* of the “*Princesse Georges*” we have a half-length; and the figure reappears at full length in the *Iza* of the “*Affaire Clémenceau*,” and in the *Césarine* of the “*Femme de Claude*.” Both these last are creatures governed wholly by animal wants and instincts, — in other words, they are irresponsible brutes; and in each case the husband exercises the right of individual justice, and puts her out of the world. In the sociological pamphlet called “*L’Homme-Femme*,” published in 1872, between the “*Princesse Georges*” and the “*Femme de Claude*,” M. Dumas dissected the same female phenomenon, and came to the same conclusion, formulated in the phrase, *Tue-la!* — “kill her!”

In “*M. Alphonse*” (1873) one may note a return to M. Dumas’ earlier manner, or at least a temporary cessation of his sociological studies. In spite of its unpleasant subject and its weak-as-water heroine, the play is one of M. Dumas’ best. The characters are few and nervously drawn. In the *M. Alphonse*, whom even the coarse *Madame Guichard* cannot stomach, we see a sort of transition type from the passive *Tellier* of the “*Idées de Mme. Aubray*” to the active Duke of the “*Étrangère*,” just as we see *Claude* repeated in *Mon-*

taiglin, and Jeannine in Montaignin's wife. There is nowhere any feebleness in outline ; all M. Dumas' characters, like their creator, believe in themselves. The story, which is simple and pathetic, tells itself plainly. The action is not overlaid with philosophical diatribes. M. Dumas for once reaped the benefit of his own improvements in the formula of dramatic construction. We owe to him the cutting short of long-winded expositions and the rapid rush of hurrying action ; but unfortunately the inventor of this improved comedy took advantage of the time thus saved for illicit indulgence in metaphysical stump-speeches, and for the promulgation of the gospel according to St. Alexandre. In "M. Alphonse" there is little of this skirmishing along the flanks : he sticks close to the issue in hand ; and the teaching of the play is only the plainer for this restraint. "A good work of art," Goethe tells us, "may and will have moral results ; but to require of the artist a moral aim is to spoil his work." Now, in general, M. Dumas requires of himself a moral aim. So long ago as 1869 he announced his intention of using the stage as a moral engine. As I have had occasion to say before, he seemed to think that every play should be a dramatized *Tendenz-Roman*, and that every statue should bear a lamp on its head or in its hand, — or else what excuse has it for its being ? An epigram of Mr. Austin Dobson is apt just here : —

"Parnassus' peaks still catch the sun ;  
But why, O lyric brother ! —  
Why build a Pulpit on the one,  
A Platform on the other ?"

In the "Demi-Monde" can be seen what M. Dumas could do before he had bound himself by this new law ; and in "M. Alphonse," what he could do when he chose to loosen its coils. But when he rigidly required of himself a moral aim he spoiled his work, as Goethe told us, and as we can see in his latest play, the "Étrangère" (1876). M. Dumas himself has propounded the theory that all great dramatists have built their plays just as well in the beginning of their career as at the end, — just as well, if not better. The faculty of dramatic construction being a native gift, in age they are inclined to push study too far, and so lack spontaneity. So is it with the author of the "Étrangère," — a sorry comedy, and utterly wanting in spontaneity or spirit. I think I can fairly call it the poorest of M. Dumas' plays, and surely — despite its moral intent — the foulest. There is but one decent man or woman in it, and he, like most of M. Dumas' virtuous heroes, is virtuous with a vengeance. He is a good man in the worst sense of the word. For the rest, the duke and the duchess, and the rest of the gang, — the word sounds coarse, but is exactly expressive, — we have no feeling but disgust. All are corrupt ; there is a



general odor of corruption. A miasma hangs over the stage when the curtain is up, and we breathe more freely when once we get outside.

Of the plot there is not much more to be said. I can understand the Englishman who told M. Sarcey, when the Comédie-Française acted the play in London, that it had no common-sense. Coming right after so perfect a piece of workmanship as "M. Alphonse," one scarcely knows what to make of it. So far as one may disentangle it, there are three acts of talk and theorizing, and two acts of action. This is the true Sardou formula, and the story cast into it was not M. Dumas', either. It was a blackening of the "Gendre de M. Poirier," the masterpiece of MM. Augier and Sandeau. M. Dumas and M. Augier stand at the head of contemporary French dramatic literature; and it is interesting to remark how often one has trodden in the other's tracks. M. Augier, having more and higher qualities than M. Dumas, a wider reach and keener insight, has not had the same uniformity of success. But in the final and fatal shot of the "Mariage d'Olympe" he anticipated the "tue-la!" of M. Dumas and the "Femme de Claude," just as he in turn used the mould of the "Fils Naturel" for his "Fourchambault." This may be a digression; but in considering the "Étrangère" I cannot help wishing for the hygienic breeze that blows through most of M. Augier's manly plays. There is never a breath of poetry in M. Dumas' dramas,—no touch of imagination. One is never lifted out of matter-of-fact, every-day life. In a measure, the life in his pieces differs from the life around us only in that the people in the plays are rather wittier in speech and worse in character than those in reality. All is hard and dry and brilliant. More than that, everything is narrow. It is a very tiny corner of even the little world of Paris, which serves as the stage of all M. Dumas' dramas. And if one can form a fair idea of Paris from these plays, then one may well wonder and regret that fire and sword left one stone on another.

In the foregoing pages, all M. Dumas' acknowledged plays have been dealt with. Besides these, there are nearly a dozen others in the making of which he has had a hand. He has retouched his father's "Jeunesse de Louis XIV.," and done over his father's "Balsame." He lent his skill to George Sand for the dramatizing of the "Marquis de Villemer." He was a silent partner in the "Danicheff" with M. Pierre Newsky, and in the "Supplice d'une Femme." To him is ascribed the "Filleul de Pompignac," and a half of the "Comtesse Romain," and a quarter of the "Héloïse Paranquet." In many of these his speech bewrayeth him; but on none do we find his signature. He has nobly respected his name, and it has never been lent

to joint-stock literary operations. His skill and his time he has been free with, but his name is jealously guarded.

The respect which he pays to his name he also has for his art. He is proud of his business. In his latest work, the "Question du Divorce," published this year, he constantly opposes his calling as a dramatist to the vocation of the priest he is addressing. He contrasts church and stage, evidently and honestly believing that in the contest between them the stage has the right of it, and gets the best of it. This contribution of M. Dumas to the discussion of the burning question of divorce is in the form of a letter to the Abbé Vidieu, Vicar of St. Roch. He has great dialectic superiority over the Abbé; and although he tries to be courteous, he does not spare satire and sarcasm, until the poor priest is in a bad way. He produces the impression that his clerical adversary is hopelessly his inferior, and that the combat is unequal. Just as one may see in the preface to the "Ami des Femmes" a supplemental chapter to "L'Homme-Femme," so one may trace in the preface to the "Dame aux Camélias" the germ of this plea for divorce. But, since 1868, M. Dumas' style has sharpened and his authority is greater. He has wit and eloquence. He appears in these pages as a Bourdaloue-Beaumarchais. Surpassing his eloquence is his wit, though he is too conscious of it and too reliant on it. As George Eliot says, —

"Life is not rounded in an epigram,  
And saying aught, we leave a world unsaid."

Now M. Dumas half hints at times that he can unlock the gravest of problems with the pass-key of a clever phrase. What is most characteristic in this divorce pamphlet is the serried logic of 416 pages, and the sudden lack of logic in the nine lines of the 417th and last page, on which M. Dumas — all his arguments having hitherto tended to show the need of a modification of the French law, until divorce may be had under some such strict limitations as obtain in New York — concludes by formally asking for the passage of M. Naquet's bill, which he has cited at length in the earlier part of the book, and which allows a freedom of separation shocking even to an Illinois or Connecticut legislator.

Among the consequences which would follow the decreeing of divorce in France, M. Dumas tells us, would be a total change in the French drama; for adultery, now the chief stock-in-trade of the stage, would lose its importance in life, and so would see less service in the theatre. If M. Dumas be right, we can only wish that divorce had been established before he began to write; and then perhaps illicit love would not have been found in some form in every one of his plays. There is adultery, or the attempt at it, or the suspicion of it, in eleven out of



twelve of M. Dumas' dramas. Once and again Paganini chose to play on a single string, as an artistic freak ; but he owed his greatness to his skill on a violin complete in all its parts. But M. Dumas, though his violin has four cords like the rest, has given us nothing but solos on a single string. He is, in short, a specialist ; and in literature, as in medicine, a specialist is often dangerous.

All his powers as a playwright are at the service of this peculiar predilection, — his gift of seeing things theatrically ; his ability in handling a plot, generally simple, and turning frequently on a single strong situation carefully prepared and provided for, and only postponed to come at last with double force ; his gift of characterization ; his skill in skating over thin ice ; his speech, when needed, vigorous to the point of violence ; his knack of breaking the force of all objections to his conclusion by himself advancing them ; and his wit, which cannot be denied, though he is far too conscious of it, as any one may see who notes how he scatters it broadcast through his plays, and then, for fear some of it may have fallen on stony ground, takes care that his characters compliment each other on their cleverness (and one may easily see, also, that the wit is M. Dumas' own, and not that of the individual character, in spite of some attempt at disguise), — all these remarkable qualifications are held at the beck and call of his desire for the contemplation of illicit love. He even goes out of his way to make wholly unimportant figures, shown to us only in profile, adulterers, — in the "Fils Natural," for instance, and the "Princesse Georges." No wonder he warns us not to take our daughters to the theatre. Goethe, it is true, gave much the same advice. M. Dumas says he respects the maiden too much to bid her to his plays, and he respects his art too much to write for maidens. There is some reason in this. It is at least an open question whether we do not fetter the artist too tightly when we insist on bringing all literature down to the level of the school-girl. But while we may admit that girls have no business in a dissecting room, we may also protest against always taking the stage for a physiological laboratory. Besides, while true science is clean and wholesome, M. Dumas' is neither. As M. Francisque Sarcey once wrote, "He gives the best advice in the world, in a language which recalls at once the manuals of physiology and the *Vie Parisienne* of Marcelin." A sceptic is tempted to wonder whether by chance M. Dumas has not picked up his science in the *Vie Parisienne*. A competent critic like M. Charles Bigot doubts M. Dumas' science, and thinks it rather a hap-hazard gathering of physiological psychological orts and ends picked up here and there in stray newspaper articles. The scientific spirit itself is utterly absent.

One may doubt whether M. Dumas knows whether there be any

scientific spirit or not. In default of it, he is fertile in hypothesis and theory. Sometimes he gets so entangled in the jungle of his own philosophy, that it is difficult to discover his whereabouts; yet, as a French critic has pointed out, he seems to have had in turn, if not at the same time, these three theories: (1) Love rehabilitates a fallen woman; (2) When she is not capable of rehabilitation, one must kill her; and (3) Woman, anyhow, is a being greatly inferior to man, who indeed may be said to stand intermediate and mediating between woman and God. And it is to prove one or another of these three hypotheses that M. Dumas has written his plays, which, fortunately for us, are most of them of more value than the doubtful theories which were the exciting cause of their existence.

J. BRANDER MATTHEWS.

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## LADY MARY WORTLEY MONTAGU.

“**L**ADY MARY WORTLEY is arrived; I have seen her; I think her avarice, her dirt, and her vivacity are all increased. Her dress, like her language, is a *galimatias* of several countries; the groundwork rags, and the embroidery nastiness.” Thus wrote Horace Walpole, the greatest male-gossip and scandal-monger not only of the eighteenth century, but of the eighteen centuries of the Christian era. He wrote thus of Lady Mary Wortley Montagu, whose wit, beauty, accomplishments, and romantic career made her the most celebrated woman in the annals of England during two hundred years. A strange combination she must have been, — a beauty and a sloven; a wit and a miser; a belle and a philosopher; a satirist and a woman of fashion; a cold wife and a warm friend.

The career of Lady Mary covers the grossest period of English history, — as immoral as and infinitely coarser than the age of Charles II. The age of George I. was only less vicious, less scandalous, and less wicked than the contemporary age of the Regent Orleans in France. There were no secret murders; no deadly drug was put into the cup of the reveller and the sick man's medicine; death did not dart forth from the poisoned blade concealed in the ring on the hand clasped in friendship. There were none of the guilty enormities which made the court of France as degraded as the court of the worst of the Cæsars; but the Princes of the House of Hanover introduced into England the coarse tastes, rude manners, and brutal passions of their native country. When we remember that this was the age of the Kendals and the Kilmanseggs,



of wits like Congreve and poets like Prior, — an age when to be virtuous was to be the laughing-stock of every prating fool; when ladies went to see plays and engaged in conversations which reeked with blasphemy and indecency, — we shall not be surprised that Lady Mary was sometimes coarse, often indelicate, and always free. She was superior to all her contemporaries in wit, beauty, and talents. Although the daughter of a duke, her early life was passed in seclusion. We only discover one occasion when she was drawn from retirement. At the age of eight years she made her first appearance in the gay world under circumstances which were calculated to foster her vanity. Her father was a man of fashion and pleasure, a Whig, and of course a member of the famous Kit-kat Club. He was proud of his beautiful little daughter, and proposed her as a member of the club, declaring that she was far prettier than any lady on the list. Objection being made to the election of an unknown beauty, her father sent for her to be brought to the tavern where the club met. She was received with universal acclamations, and her claim to beauty unanimously allowed; her health was drunk by every person present, and her name ordered to be engraved upon a drinking glass. The company numbered some of the most distinguished men in England, poets and statesmen, wits and beaux. They praised her beauty, feasted her with sweetmeats, loaded her with caresses, and sent her home pleased, flattered, and happy. She was fond of telling this story in after life. Never again did she pass so exquisite an hour. Her portrait was painted for the club-room, and her name enrolled as a regular toast. After this dazzling experience the motherless girl retired to the quiet obscurity of her country home, made doubly gloomy and distasteful by this glimpse of the world.

From that time until her marriage Lady Mary passed a retired and studious life at the family seat, — Thoresby. Her education was far superior to that of the generality of women of that age, when to spell correctly was the exception. She not only knew the modern languages, but studied successfully Latin and Greek. She read every romance she could lay her hands on, and got by heart all the poetry that came in her way; but she did not, like so many ladies of the present day, confine her reading exclusively to romance and poetry, for we find that she translated, at the age of twenty, the “*Enchiridion*” of Epictetus, and submitted it to Bishop Burnet, who occasionally superintended her studies. This work she translated in one week, and described herself as passing the time surrounded by grammars and dictionaries.

Among her friends at this time was Mistress Anne Wortley, the perfect antipodes of herself, being staid, ugly, ungraceful, and by no means brilliant. Nevertheless they became so devoted to each

other, that during an absence of a few days frequent letters passed between them. Mistress Anne had a brother, to whom she showed Lady Mary's sparkling letters. He became interested in his sister's brilliant friend ; they met accidentally in Mistress Anne's apartments, and he was fascinated by her vivacity, beauty, and cleverness. They talked of the court, love, money, politics, and the classics. Latin was Mr. Wortley Montagu's strong point, and he was surprised and delighted to find a woman who could read Virgil. The acquaintance thus begun soon became intimate, and Mistress Anne dying about this time, the correspondence was continued by Lady Mary and Mr. Montagu, and finally resulted in an engagement of marriage. Their courtship reads like a French play of the last century : they meet, quarrel, bid each other an eternal farewell ; meet again, make up, avow an everlasting love, and are engaged. In the mean time another lover appears, encouraged by the young lady's father. He is sixty-five, but immensely wealthy ; his health is broken, but he is a marquis ; his teeth are gone, but he has two castles, a princely town residence, fifty footmen, and the largest rent-roll in England. His cook is a French artist ; his snuff-boxes are brilliant with diamonds ; his plate is rich and costly, and adorned with the crest of his proud house ; his limbs are shrunken with age and dissipation, but his manners are exquisite, and he dresses in the height of the mode. This was the lover proposed to the young, lovely, beautiful, and brilliant girl by her father. "I wonder my noble father has not disentombed Henry VIII. and ordered me to marry *him*," said Lady Mary ; "he certainly would be as agreeable to me as that loathsome old vampire."

Mr. Montagu, who loved himself and his money better than anything in the world, becomes alarmed at the appearance of the ancient husband favored by the father, and proposes an elopement, — "a coach to be at the door early Monday morning." The girl agrees ; for although Mr. Montagu was a frigid lover, he was young, rich, and handsome. Still she is not entirely satisfied, and writes to him : "I tremble for what we are doing. Are you sure you will love me forever? I fear, and I hope. I foresee all that will happen. I shall incense my family in the highest degree ; yet it is possible you may recompense everything to me. . . . I will be only yours, and will do what you please." Accordingly "early Monday morning" they ran away and were married. The day was the 12th of August, 1712. Lady Mary said afterward, in her lively way, "While the husband of my father's choice was buying the wedding ring, I scuttled away to be married to Mr. Montagu, taking only a nightgown and petticoat." A runaway match usually implies a love match ; but this was a runaway match without love on either side. Lady Mary had a lively imagination and a brilliant fancy, but not a very warm or susceptible heart.



Like a celebrated woman of our century and country (Madame Bonaparte), she had a contempt for sentiment and romantic nonsense.

Soon, too soon, alas ! she discovered that she had married a cold, unsympathetic husband, who left her much alone in the seclusion of the country. In a few months she learned that a careless and indifferent husband is less interesting than an exacting and frigid lover. Before she had been married a year, the once bright and joyous girl had grown to be a sad and disappointed woman. She was only twenty-three when she wrote as follows to a confidential friend : " It is a maxim with me to be young as long as I can ; there is nothing else that can pay one for that invincible ignorance which is the companion of youth. To my extreme mortification I grow wiser every day." A little later she writes to her husband, who was in London : " I am alone, without any amusement to take up my thoughts. I am in circumstances in which melancholy is apt to prevail even over all amusements, dispirited and alone, — and you write me quarrelling letters."

No doubt Mr. Edward Wortley Montagu distinguished himself as a hard student at Cambridge, and carried off prizes in Latin, Greek, and Mathematics, and was regarded as a young man of great, perhaps brilliant, promise. Such men seldom keep the promises of their youth : it is the dunces at school, like Sheridan and Goldsmith, Marlborough and Wellington, who carry off the great prizes of life. Lady Mary was infinitely superior to her husband in mind and manners, in wit and intellect, even in his boasted "common-sense." In her early youth she displayed that talent for ridicule and power of sarcasm by which she afterward became so famous and formidable. At the age of nineteen she wrote of the misfortune of one of her lady friends : " I have not had any great esteem for the generality of the fair sex, and my only consolation for being of that gender has been that I cannot be married to one of them." At the same time she says : " All that hinders women from playing the fool is not having the power."

A year or two after her marriage, Lady Mary complained that her husband treated her unkindly : —

" I parted with you in July, — it is now the middle of November. As if this was not hardship enough, you do not tell me you are sorry for it. You write seldom, and with so much indifference that it shows you hardly think of me at all. I complain of ill health, and you only say you hope it is not so bad as I make it. You never inquire after your child. You should consider solitude is apt to give the most melancholy ideas, and there needs at least tender letters and kind expressions to hinder uneasinesses almost inseparable from absence. I have concealed as long as I can the uneasiness and nothingness your letters have given me, under an affected indifference ; but dissimulation always sits awkwardly upon me. I am weary of it, and must beg you to write to me no more, if you cannot write to me otherwise."

Marriage which begins without love usually ends in indifference, if not disgust. Lady Mary's experience was not an exception. She had frankly told her husband before marriage that one part of her character was not so good nor the other so bad as he fancied it; adding:—

“Should we ever live together, you would be disappointed both ways; you would find an easy equality of temper you do not expect and a thousand faults you do not imagine. You think if you married me I should be passionately fond of you one month, and of somebody else the next. Neither would happen. I can esteem, I can be a friend; but I don't know whether I can love. Expect all that is complacent and easy, but never what is fond, in me.”

At first she was a submissive wife, although treated with coldness and neglect. Mr. Wortley Montagu was a solemn prig and a mean, contemptible fellow; a man utterly incapable of appreciating his beautiful and gifted wife. As soon as he had won her he ceased to care for her; otherwise he would not have left her to lead a solitary life in the country, and sometimes without money, when she was sick and “in the utmost necessity for it,” as she herself writes.

Upon the death of Queen Anne and the accession of George I. Mr. Montagu was appointed one of the Lords of the Treasury, and Lady Mary was released from her banishment and brought up to London. When she made her first appearance at the court of St. James, she was received with a burst of admiration: envy itself was silenced by so many charms of mind and body. Her romantic marriage added an interest to her story; and her recent enforced retirement from the gay world gave a new zest to the pleasures of society. She soon became a reigning belle; even George I., whose dulness was on a par with his coarseness of mind, morals, and manners, was moved at the sight of her fresh young beauty, and enjoyed her sprightly wit. He became so interested in her conversation that it is related that upon one occasion Secretary Craggs, meeting her as she was leaving the royal presence earlier than the king desired, snatched her up in his arms and carried her back again, much to the amusement and delight of the king.

Lady Mary's rank introduced her to the first society of the time. The celebrated Duchess of Marlborough was always her friend; also her daughter, the Duchess of Montagu; while among her most intimate associates were Lady Stafford, the daughter of the famous Count de Grammont and *la belle* Hamilton, Lady Oxford, the Countess of Pomfret, and Lady Rich, — “seraphic Rich, in whose angel form all the sweet graces were joined.” Lady Mary's talents made her acquainted with the leading poets, philosophers, and wits of her age; and it was during this period that Pope made her acquaintance, — an acquaintance which soon ripened into a friendship which ended so



disastrously and so disgracefully. Pope was dazzled by her beauty, accomplishments, and rank, constantly sought her society, and introduced to her his friends Gay, Congreve, and Swift. She made the acquaintance of Addison through her husband, whose intimate friend he was.

After two years of brilliant court life Mr. Montagu was appointed Ambassador to Turkey, and Lady Mary accompanied him to the East. The novelty, excitement, and adventure of the Oriental life charmed her ; and she sent home long and interesting letters describing the life, manners, and beauty of that mysterious land into which few Europeans had penetrated, and which none had described so graphically as she did. Never before had the Eastern world been so exhibited to the West. In her enthusiasm she adopted the Turkish dress, and with a heart as light as that of a child enjoying a new toy she writes : " I ramble every day about Constantinople, amusing myself with seeing everything that is curious and interesting." Everything appears to her *couleur de rose*. She visits the bazaars, the baths, the mosques, and the harem, and gives glowing descriptions of the beauty of the women, the loveliness of the scenery, the rich jewels of the East, its poetry and romance. Nothing escapes those eyes, of whose beauty poets have sung. As has been said, the country was all new, beautiful, and interesting ; the observer, all life, vivacity, and intelligence. She had appropriate subjects for each of her correspondents, — poetry for Pope, society for her sister, religion for the Abbé, and wit for all. Her letters delighted her friends, as they have the reading world for one hundred and fifty years.

Lady Mary's descriptions of the East afford all the interest of a fairy tale. Her account of her visit to the harem of the beautiful Fatima must have appeared to her sister like a scene from the " Arabian Nights " : —

" The winter apartments are wainscoted with inlaid work of mother-of-pearl, ivory of different colors, and olive-wood ; the walls of the summer-room are all crusted with Japan china, the roofs gilt, and the floor spread with the finest Persian carpets. The fair Fatima met me at the door of her chamber, and leading me to her sofa, placed me on it. I spent the afternoon in her conversation with the greatest pleasure in the world. She has all the politeness and good breeding of a court, and her wit is as agreeable as her beauty. I told her that if all the Turkish ladies were like her, it was absolutely necessary to confine them from public view for the repose of mankind ; and proceeded to tell her what a noise such a face as hers would make in London or Paris. ' I cannot believe you,' she replied, agreeably ; ' if beauty was so much valued in your country as you say, they would never have suffered you to leave it.' I only repeat this compliment, as I think it very well turned, and gives an instance of the spirit of her conversation."

To escape the summer heat of Constantinople, Lady Mary retired to the town of Belgrade. It was during her sojourn there that her

attention was first drawn to the subject of inoculation for small-pox. Her brother had died of this loathsome disease, and she herself had had it. It almost amounted to a plague in England at that period ; and, anxious to stop its ravages, she became deeply interested about the matter. She determined to give the world the benefit of a remedy which promised to save the lives and beauty of millions. She began her experiment upon her own son, and its success induced her to recommend inoculation to her countrymen. She describes in one of her letters how the process of *ingrafting*, as it was called, was performed : —

“There is a set of old women who make it their business to perform the operation every autumn. People send to one another to know if any of their family has a mind to have the small-pox ; they make parties for this purpose, and when they have met (commonly fifteen or sixteen together), an old woman comes with a nut-shell of the matter of the best sort of small-pox. She rips open the vein you offer to her, with a large needle (which gives you no more pain than a common scratch), and puts into it as much matter as can lie on the head of her needle, and after that binds up the little wound with a hollow bit of shell ; and in this manner opens four or five veins. Every year thousands undergo this operation ; and the French ambassador says pleasantly that they take the small-pox here by way of diversion, as they take the waters in other countries.”

After her return to England she succeeded after much opposition in introducing the general practice of inoculation.

Mr. Wortley Montagu, having failed in accomplishing the object of his embassy, was recalled at the end of a year. After that we hear no more of him in public life. He becomes known only as the husband of Lady Mary. His time is spent in adding millions to millions, and in anticipating in practice the economical maxims of Franklin. Once he wrote to Addison : “Fancying I should be reduced to a very small income, I immediately retrenched my expenses, and lived for six months on fifty pounds as pleasantly as ever I did in my life, and could have lived for half that sum.” His wife and he were congenial upon one subject at least, — the love of money.

Whether Mr. Montagu lacked impudence or ability, or both, it is certain that he did not shine in the world. He lived despised and died detested, and would long since have been forgotten had he not been the husband of his famous wife.

The first half-dozen years that followed Lady Mary's return to England after her visit to the East were the most brilliant of her life. Her beauty was at its height, her intellect in its maturity, and her social success unbounded ; she was engaged in a constant round of fashionable dissipation, and seemed to realize the bright dream of her youth. Her letters to her sister, the Countess of Mar, at this time express the satisfaction of her heart : —



"I see everybody, but converse with nobody but *des amies choisies*. I see the whole town every Sunday, and select a few that I retain to supper; in short, if life could always be what it is, I believe I have so much humility in my temper that I could be content without any better these two or three hundred years. I write to you at this time piping hot from the Birth-night, my brain warm with all the agreeable ideas that fine clothes, fine gentlemen, brisk times, and lively dances can raise there. First, you must know that I led up the ball; and, what is more, I believe in my conscience that I made the best figure there. To say the truth, people have grown so extremely ugly, that we old beauties are forced to come out on show days to keep the court in countenance."

But even in the midst of these splendid scenes Lady Mary was not entirely happy; in fact she never seemed really contented: neither as a daughter, a wife, or a mother did she enjoy true happiness. In referring to her former life, she writes to her sister: "Don't you remember how miserable we were in the little parlor at Thoresby? We then thought marrying would put us in possession of all we wanted. I am satisfied I have been one of the *condemned* ever since I was born." So long as her children remained young, a life of gayety satisfied her; but when her son was old enough to be bad, her troubles began again. She still tried to maintain an exterior gayety. "I run about, though I have five thousand pins and needles running into my heart," she writes to her sister. "My young rogue of a son is the most ungovernable little rake that ever played truant. He has contrived at his age (fourteen) to make himself the talk of the whole nation." This "young rogue," Edward Wortley Montagu, Jr., ran away three times before he was fifteen years old. One time he lived among the chimney-sweeps; and another, he apprenticed himself to a fish-monger. His next exploit was to go as cabin-boy on a vessel bound to Portugal, and after arriving at Lisbon he ran away and hired himself to a mule-driver. At one time he lived among the gypsies; at another he was playing the gallant to the daughters of Spanish grandees and Italian dukes; in fact, his adventures were romantic enough to make him the hero of "Gil Blas." If his own confessions can be relied upon, his life was stranger than any fiction. He says:—

"I have conversed with the nobles of Germany, and served my apprenticeship in the science of horsemanship at their country seats. I have been a laborer in the fields of Switzerland and Holland, and have not disdained the humble position of postilion and plowman. I assumed at Paris the ridiculous character of a *petit maître*. I was an *abbé* at Rome. I put on at Hambourg the Lutheran ruff, and with a treble chin and a formal countenance I dealt about me the word of God, so as to excite the envy of the clergy."

He finally wound up by turning Mahometan, and adopted the Eastern dress and manners. In London he distinguished himself by his extravagant follies. "He played, dressed, and diamonded himself

into notoriety," says Horace Walpole. "He had more snuff-boxes than would suffice a Chinese idol with an hundred noses; but the most curious part of his dress, which he brought from Paris, was an iron wig, so ingeniously contrived that it could not be distinguished from his own hair."

He arrived in Venice in 1765, after a prolonged residence in the East. He wore a long flowing beard and an Armenian dress; he slept on the ground; rice was his food and water his drink; a pipe was his greatest luxury. He rose before the sun, said his prayers, and performed his ablutions according to the Mahometan ritual, at the same time rubbing his body with sand. At the conclusion of the religious ceremony he smoked a pipe, turned himself towards the East, muttered a prayer, walked half an hour, and then drank a cup of coffee. Dr. Moore, the author of "Zeluco," visited him at Venice, and described him as being "extremely communicative and entertaining, blending in his conversation the vivacity of a Frenchman and the gravity of a Turk." Much of his bad conduct must be attributed to his parents, who left him to the care of servants while the one was enjoying herself in the fashionable world, and the other was studying the best way of hoarding money. Young Montagu said that in his family, as in the Guelphs, the eldest son was always hated. His mother cut him off with a guinea, and he left England forever, and died at Padua in 1776. Lady Mary's only other child, a daughter, who was to her mother "everything she liked," married at an early age the Earl of Bute. Of all the beings in the world, Lady Mary seems to have loved but one,—this daughter. To her she writes upon the death of Lady Caroline Pierpont: "I cannot say I am touched at it. It is true she was my sister, as it were; but her behavior to me never gave me any love, nor her general conduct any esteem." We are afraid that Lady Mary was not very amiable; we know that she was spiteful and vindictive. "Some people," she said, "wish their enemies dead; but I do not: I say give them the gout, give them the stone."

When Pope first met Lady Mary he was twenty-six years old, but had already made a great reputation by the "Rape of the Lock" and "The Temple of Fame." Lady Mary was in her twenty-fourth year, and had just made her brilliant appearance at court. There could not be a greater contrast than that between the misshapen poet and the dazzling beauty; but nevertheless he presumed to aspire to her love. During her residence in Turkey he wrote her letters full of lofty adulation, studied flattery, and artificial sentiments. Beaumarchais says: "A man who reflects when he is writing a love-letter is a knave, and is deceiving the person he addresses. What can it matter about a letter being nicely phrased, or a period being well turned?" Pope



extravagantly compares his correspondent to Sibyl, and says: "Your leaves, like hers, are too good to be committed to the winds; though I have no other way of receiving them but by those unfaithful messengers." Again he says:—

"You bid me remember you, if *possibly* I can. You would have shown more knowledge both of yourself and of me, had you bid me forget you if possibly I could. When I do, may this hand forget its cunning, and this heart — its folly, I was going to say; but I mean its reason, and the most rational sensation it ever had, — that of your merit. I fancy myself, in my romantic thoughts and distant admiration of you, not unlike the man in the 'Alchemist' that has a passion for the Queen of the Fairies: I lie dreaming of you in moonshiny nights, exactly in the posture of Endymion gazing for Cynthia in a picture. When people speak most highly of you I think them sparing; when I try myself to speak of you, I think I am cold and stupid. My letters have nothing in them, but my heart has much."

Lady Mary was fond of admiration, but she must have laughed at these ridiculous effusions. When she returned to England, Pope persuaded Mr. Montagu to take a house at Twickenham, in his own neighborhood. He visited her frequently, but not as frequently as he wished, and induced her to sit for her portrait to Sir Godfrey Kneller. By his influence with the painter, Pope arranged everything for the greatest convenience and comfort of the lovely sitter; so that her portrait was painted "in a manner they seldom draw any but crowned heads," — that is, Sir Godfrey drew her face with crayons at her own house, and afterward transferred it to canvas. This was Lady Mary's celebrated portrait in the Eastern dress, painted when in the prime of her wondrous beauty. Pope was charmed with the picture; and when it was finished he sent Lady Mary the following complimentary lines, as an evidence of his appreciation of her condescension in sitting for it:—

"The playful smile around the dimpled mouth,  
That happy air of majesty and truth, —  
So would I draw (but oh! 't is vain to try,  
My narrow genius does the power deny)  
The equal lustre of the heavenly mind  
Where every grace and every virtue's joined.  
Learning not vain, and wisdom not severe,  
With greatness easy and with wit sincere,  
With just description show the soul divine,  
And the whole princess in my work should shine."

Lady Mary was naturally pleased by the homage of the greatest genius of his age, whose society was courted by princes and nobles, and whose friendship was sought by all the wits, poets, statesmen, and philosophers; whose poetry was the delight of the gay world, and whose satire was the dread of the dunces. But soon, without a word of explanation, the poet's love and adulation were changed to

undying hatred and fierce satire ; and the lovely Lady Mary of a few months before became the Sappho of his merciless wit. Then began that war of words in which both lost their tempers, and neither gained any honor. It was the bitterest quarrel in the annals of all literature ; no quarter was asked or given ; each gave back scorn for scorn, satire for satire. Pope began the attack, and Lady Mary consulted the Earl of Peterborough as to what she should do in the matter. He gave her the very sensible advice to let the poet severely alone. Unfortunately for her, she did not follow this advice ; in an evil hour she determined to “let loose the dogs of war” against the most malignant of men. “A fool was *not* her theme, but satire was her song.” She knew in what points her enemy was most vulnerable, — his humble birth and personal deformity ; and did not disdain to ridicule these. Here are a few specimens : —

“Hard as thy heart, and as thy birth obscure.”

“It was the equity of righteous Heaven  
That such a soul to such a form was given ;  
And shows the uniformity of fate,  
That one so odious should be born to hate.”

“If none with vengeance yet thy crimes pursue  
Or give thy manifold affronts their due ;  
If limbs unbroken, skin without a stain,  
Unwhipt, unblanketed, unkick'd, unslain  
That wretched little carcase you retain, —  
The reason is not that the world wants eyes,  
But thou 'rt so mean, they see and they despise.  
Who but must laugh, this bully when he sees,  
A puny insect shiv'ring at a breeze ?  
Is this the thing to keep mankind in awe ?

. . . . .  
No, like the self-blown praise, thy scandal flies,  
And, as we 're told of wasps, it stings and dies.”

This personal attack cut Pope to the quick. He was made to feel, with Byron, that genius, fame, immortality itself, could not and did not compensate for personal deformity. But he was equal to the occasion. Here was higher and nobler game than Grub-Street dunces and Bond-Street dandies. The most beautiful, gifted, fascinating, and celebrated woman of the age was lampooned in language too gross to be quoted. One of the charges against Lady Mary was that she was wanting in that peculiarly feminine virtue, personal neatness — nay, we must say it, personal cleanliness. A French lady once, with more frankness than politeness, remarked of her that her hands were not so clean as they might be. “*Mes mains ! c'est vrai, mais si vous voyiez*



*mes pieds !*” replied Lady Mary. Horace Walpole dwells upon this subject with disgusting pertinacity. Twenty years after this period he met her at Florence, and describes her as “old, dirty, tawdry painted,” and flirting with all the young men in the place. Pope speaks of some person wearing “linen worthy Lady Mary,” and has also these lines on the subject :—

“Rufa, whose eye quick glancing o’er the park  
 Attracts each gay meteor of a spark,  
 Agrees as ill with Rufa studying Locke  
 As *Sappho’s* diamonds with her dirty smock ;  
 Or Sappho at her toilette’s greasy task,  
 With Sappho fragrant at an evening mask.”

No treatment by a woman would palliate such and much more revolting verses.

Pope was not satisfied with his position as the undisputed monarch of the literary world ; but he wished to be a fine gentleman, a rake, a gay gallant. The weak, sickly, ridiculous little manikin aspired to the heart of her whose transcendent beauty and sparkling wit had attracted crowds of admirers in every city of Europe. Lady Mary gave a very lively description of Pope as a lover, — how the little fellow, presuming upon her kindness and encouraged by her coquetry, one day so far forgot himself as to make love to her ; while she, overcome by the sight of the first poet of the age sprawling on the floor at her feet, burst into an immoderate fit of laughter. In a rage at this very proper but rather unfeeling reception of his passionate declaration, the poet rose and darted from her presence, with threatening looks and vengeance in his heart. The result was the deadly and everlasting feud of which we have already spoken. Pope bitterly confesses that, —

“Once, and but once, his heedless youth was bit,  
 And liked that dangerous thing, — a female wit.”

Lady Mary said, years afterward, to Spence, the author of the “Anecdotes” : “He made a goddess of me before our quarrel, though he makes such a devil of me in his writings afterward, without any reason that I know of.” As Mrs. Jameson truly remarks in her charming little book, the “Loves of the Poets,” a “man who could thus grossly satirize a woman would, in a less civilized state of society, have revenged himself with a blow. The brutality and cowardice were the same.”

Pope’s satire becomes stingless when we remember that no human being could have had such absolutely opposite characteristics as those he ascribed to Lady Mary before and after his quarrel with her. In this disgraceful affair Pope displayed a weakness unworthy of the greatest

poet of his age; he was guilty of a meanness which made him a fit companion for the scoundrel Swift. No man should attempt to degrade a woman whom he has loved: that should make her sacred in his eyes for evermore. How immeasurably superior to Pope, in this respect, was the true-hearted gentleman, Spenser! He, too, had loved, and with a sweeter, purer, truer love than the sickly bard of Twickenham was capable of feeling. He, too, had loved in vain, and had suffered long and deeply; but his tender and gentle heart not only pardoned but excused the "lady fayre."

Whether it was the misconduct of her son, the cruelty of her husband, the marriage of her daughter, or the death of her friend Lady Stafford, or all combined, we know not, but for some unexplained cause Lady Mary left England in the summer of 1739 for a permanent residence on the Continent. The few previous years had been ten times more dreary than she had ever known, and she must have looked back with regret to the "old parlor at Thoresby," where she and her sisters had dreamed their youth away, —

"When they dipt into the future far as human eyes could see;  
Saw the Vision of the World, and all the wonder that would be."

The pleasures of the world had turned, like Dead-Sea fruit, to ashes on her lips; her married life had proved a failure and a disappointment, her home was desolate, her husband harsh and indifferent, her son in exile and disgrace, her daughter, — "the only being who loved her, or whom she loved" — was married and gone. In despair she fled from the home which was no longer a home; from the court where she had reigned; from the society which she had adorned; and, like Byron a century later, she determined to leave England forever. She retired to Italy, — the home of art and song and lovely skies, — hoping to find peace if not happiness. It was a strange self-banishment. But Lady Mary was an extraordinary woman. Sustained by her proud philosophy, she passed twenty-two years in exile from home, country, friends, and relations. She tried to make herself independent of these, and succeeded. No shadow of regret came between her present and her former life. Bravely, strongly, and resolutely she lived in her distant retreat, preserving her independence and her individuality. She sought forgetfulness in books, in art, in flowers, and a thousand daily occupations. "I find by experience more sincere pleasures with my books and gardens than all the flattery of the court could give me," she wrote to her daughter from Italy. How different from the Duchess of Marlborough, who cried, "Books! don't talk to me about books! The only books I know are men and cards."

Lady Mary did not weep as a weaker woman would have done over the disappointment of her life, but she resolved to live it down. She



asked no sympathy nor pity ; her haughty spirit defied the worst that man or fate could do. Her beauty faded, her health failed ; but her spirits never faltered, her wit never diminished : to the last she kept up that "sprightly folly" which she said she was born with. When three-score-and-ten, she declared that the chief study of her life had been to lighten misfortunes and to multiply pleasures ; that she never could endure with patience the austerities of the court life, and would rather be a nun than lady of the bed-chamber to any queen in Europe. She claimed that it was not age and disappointment that had given her such sentiments, — that she expressed the same ideas in a copy of verses sent from Constantinople in her youth to her uncle, Fielding.

The first five years of Lady Mary's residence in Italy were spent at Venice, Florence, Rome, and Naples. Finally she settled at Louvère, a watering-place on Lake Isco, where she bought an old palace which she fitted up for her use. She describes her life at this place as being "as regular as that of any monastery." She adds, "I confess I sometimes long for a little conversation ;" though, as she observes, "Quiet is all the hope that can reasonably be expected at my age, for my health is so often impaired that I begin to be as weary of it as mending old lace : when it is patched in one place, it breaks out in another." This once brilliant court beauty was now become so indifferent to her personal appearance, that speaking of her looks she says : "I know nothing of the matter, as it is now eleven years since I have seen my figure in a glass ; and the last reflection I saw there was so disagreeable that I resolved to spare myself mortification for the future."

The most enthusiastic *laudator temporis acti* will rise from the perusal of Lady Mary's letters with the conviction that, in social morality at least, the nineteenth century is far superior to the eighteenth ; that the court of Victoria is a model of virtue, while the courts of the first and second Georges were shamelessly immoral. We have spoken of Lady Mary's wit, philosophy, love of gossip and scandal. Her letters furnish abundant evidence of all these. We have room only for a few specimens, picked out at random : —

"Lady Julia Wharton is to be married to Mr. Holt. I am sorry to see a young woman whom I really think one of the most agreeable girls upon earth so vilely misplaced. But where are people matched ? I suppose we shall come right in Heaven as in a country dance ; the hands are strangely given and taken whilst they are in motion, and at last all meet their partners when the jig is done."

In sending a letter by a private hand, she writes : —

"I send this by Lady Lansdowne, who I hope will have no curiosity to open this letter, since she will find in it that I never saw anything so miserably altered in my life : I really did not know her."

Here is a piece of gossip wittily told : —

“As for news, the last wedding is that of Peg Pelham; and I think I have never seen so comfortable a prospect of happiness. According to all appearance she cannot fail of being a widow in six weeks at farthest, and accordingly she has been so good a housewife as to line her wedding clothes with black. . . . Mrs. West was at the last birth-night; she is a great *prude*, having but two lovers at a time, Lord Haddington and Mr. Lindsay, — one for use, the other for show. . . . All our acquaintances are run mad; they do such things! such monstrous and stupendous things! Lady Hervey and Lady Bristol have quarrelled in such a *polite* manner that they have given one another all the titles so liberally bestowed upon the ladies at Billingsgate. Ned Thompson is as happy as the money and charms of Belle Dunch can make him, and a miserable dog for all that. . . . There are but three pretty men in England, and they are all in love with me at this present writing.”

She thus announces the publication of “Gulliver’s Travels” : —

“Here is a book come out that all our people of taste are run mad about; ’tis no less than the united work of a dignified clergyman, an eminent physician, and the first poet of the age [Swift, Arbuthnot, and Pope]; and very wonderful it is! Great diligence have they employed to prove themselves beasts.”

After the death of Mr. Montagu in 1761, Lady Mary yielded to the entreaties of her daughter, and began her journey to England, where she arrived in October of that year. Her re-appearance in the London world is thus announced by Mrs. Elizabeth Montagu, who married her husband’s cousin; she is writing to a relative at Naples : —

“You have lately returned to us from Italy a very extraordinary personage, Lady Mary Wortley Montagu. She does not look older than when she went abroad, and has more than the vivacity of fifteen. I was very graciously received by her, and you may imagine entertained by one who neither thinks, speaks, acts, nor dresses like anybody else. Her domestic establishment is made up of all nations; and when you get into her drawing-room, you imagine you are in the first story of the Tower of Babel. An Hungarian servant takes your name at the door; he gives it to an Italian, who delivers it to a Frenchman, the Frenchman to a Swiss, and the Swiss to a Polander, — so that, by the time you get to her ladyship’s presence, you have changed your name five times without the expense of an act of Parliament.”

Although Lady Mary was suffering from a cruel malady at this period, her wit, vivacity, and courage never forsook her. Persons who had not seen her for twenty years were astonished at her still youthful appearance and brilliant spirits. Little did they think that beneath her loose, flowing robe was concealed a cancer which was secretly preying upon her frame, and which, in less than a year after her return to England, carried her off. She died on the 21st of August, 1762, in the arms of her daughter, the Countess of Bute, in her seventy-third year.

EUGENE L. DIDIER.



## THE ZULU KAFIRS.

THROUGHOUT Southern Africa, from the Cape of Good Hope to the equator, and even further, the spoken language is the Banntou, which may be translated "the language of men." The Banntous, or "men of men," we call more simply the "Kafirs," — a name given by the Mussulmans to all idolaters, and which corresponds with our word "pagan." It is applied to the people who inhabit the eastern side of the Continent, from Great Fish River to Delagoa Bay, — a tract from seventy-five to eighty thousand kilometres square, and larger than the whole of France. For the traveller who has just left the colony of the Cape, who has crossed the Orange River and the burned, rugged plains covered with half-starved sheep, the high region of Caffraria, where strengthening breezes blow and there is plenty of pure, fresh air, offers a charming spectacle. From the vast terraces resting on the rocky walls the eye contemplates pastures ever green, immense plains, and mighty forests which cover the slopes and crests with a mantle of velvet. High enough to be buried several months under the snow, the mountains give birth to innumerable watercourses, which from ravine to ravine fertilize the valleys. On the eastern side the land shapes itself into a gigantic staircase. The plain which skirts the Indian Ocean has all the beauty of a park, with its green turf and its groves and groups of mimosas. Overhead is spread the deep-blue sky. From September to May, — the season of rains, — the rivers swell, the torrents rush in immense waves, and the temperature changes with extreme rapidity. In the morning the sun rises bright and radiant; at midday the heat is oppressive; but a little cloud is forming, and half an hour later all is obscured, and the tempest is let loose. Rain falls in sheets, the thunder rolls and mutters, the lightning crawls on the earth like fiery serpents. As night approaches, the atmosphere clears, and it becomes uncomfortably cold.

The Kafirs are a handsome race, with their dark-brown skin tinged with shades of copper. They are easily distinguished from the Hottentots, and still more so from the Bouchmen, or "men of the bush." They are of commanding figure, the average height ranging from five feet six inches to five feet ten inches. The slender body seems to us a little too narrow at the hips, and rather lean about the arms and calves. These people are nervous rather than robust, and, whatever some may think, less vigorous than our peasants and sailors. Their rough skin has not the satiny smoothness which we admire in so many races of negroes. Their features resemble ours more than

those of the Hottentots ; but the nose is generally broad at the base, and the lips are slightly tinted with blue or gray. With regard to their physiological peculiarities, we recall the observations of Gardiner, who says that the Zulus are veritable salamanders, poking burning fagots with the soles of their feet, stirring live embers with their toes, and dipping their fingers into the boiling contents of the saucepan.

As to their character, we may say in a general way that they, like the larger proportion of savages, and even of civilized beings, appear to be proud of their nationality and vain of their persons. Face to face with firm resistance, their boasts and pretensions give place to the cringing ways of a whining beggar. We may describe them also as making a show of generosity, while in reality they are avaricious. "All the coins which they can procure," says Gront, "they tie in rags, which they knot and knot again in a frantic manner, so as to make the extraction of the precious money extremely difficult." An eloquent speaker, a cunning diplomat, a consummate comedian, the Kafir easily turns into a liar and a hypocrite. He readily divines what his interlocutor desires to hear, and answers him accordingly. At times he is very ferocious, delighting in cruelty ; but his excitement soon ceases, his fury passes away, and he becomes again the best child in the world, — laughing, jesting, and romping. On seeing him so kind and hospitable, you would believe him incapable of a bad action. Apparently he likes nothing so well as to empty pots of beer in gay company, to play the buffoon, and to make merry.

Thirty years ago the number of Kafirs was estimated at four or five hundred thousand, which number was subdivided into Gxosas<sup>1</sup> and Gxalecas, to the number of two hundred thousand ; into Damaras, Bechonanas, Tembous, Mpondos, Mpondoumisi, and Zulus. These last, whom we may consider as the nucleus of the race, occupy the central part of Caffraria, which the Bours (Boers) and the English colonies have not yet had the power — we might better say, the *time* — to subjugate. The war which they have lately sustained against invaders has given them all at once a European notoriety ; and they have unconsciously exercised a great influence over the affairs of France.

By a circumstance worthy of remark, the Zulu State, which everything seems to indicate has given the death blow to Bonapartism, owes its existence indirectly to the first Napoleon, the report of whose fame and glory had crossed the equator. The strategic method of the conqueror of the Pyramids and his manner of government were explained by a Portuguese to Tschaka, — a young Zulu of distinguished family, exiled from his country in consequence of ill-timed ambition, and who took advantage of his long leisure to meditate on the application

<sup>1</sup> The gx., gk., etc., are pronounced with a peculiar click of the tongue.



of new principles. The future potentate adopted with enthusiasm, joined with sagacity, the doctrine that the secret of success is to be always the strongest. He understood that for this it is necessary always to take, and to know how to maintain, the offensive. On the model of the "Old Guard" of the "Sultan Bounaberdi," he formed a company of young fanatics who had it for their sole duty to obey him blindly. With this phalanx he held the tribe, which in turn held the confederation. He imposed himself upon his neighbors, and set himself up as a sort of feudal emperor. When he came into power, he found himself in command of a youth as strong and brave as that of the neighboring clans, but not more so. In the spring it was the custom to make expeditions, sometimes to the right, sometimes to the left, more for the sake of prowess and show than of hostility. They accomplished prodigies of valor, exchanged magnificent spear-thrusts, made their bucklers ring. At the end of the engagement each side counted the number of broken heads and damaged limbs; the defeated side paid over a few oxen, and the two parties were reconciled. The people, quieted, returned to their occupations, carrying with them the arms of the young men, who remained to amuse themselves with the girls of the country, and to feast with their new comrades. It might be called the idyl of war, and the combats to which they gave themselves up were a prelude to the season of love.

Tschaka changed all this. He transformed his people into an armed nation, by whom he was feared much more than by his enemies; he made of his troops, to whose number he added daily and whom he kept thoroughly disciplined, a formidable instrument of power, by means of which he destroyed his opponents, subdued the unruly, and massacred the rebels. In order to make them more ferocious, he enjoined it upon them to eat nothing but meat, leaving milk to the pekings or peasants, to the women and children. If the thing had been possible, he would have forced them to eat only human flesh, in imitation of the long-haired cannibals described in their legends.<sup>1</sup> With exception of the sick and infirm, all the men were obliged to be soldiers during the greater part of their lives. Tschaka made exception only of sorcerers. In France, to escape serving, they enter seminaries; in Caffraria they have the resource of becoming magicians, as is related by King Cetewayo.<sup>2</sup>

Tschaka, who saw with uneasiness and alarm that the influence of the sacerdotal body was increasing, resisted nevertheless the temptation to deprive it of its privileges. His views were too lofty to allow

<sup>1</sup> Dr. Callaway's Traditions of the Zulus.

<sup>2</sup> Cetewayo, prisoner of the English at the Cape, retailed the history of his country and its institutions to Captain Ruscombe Pool, his guard. His accounts have been published under the title, "Cetewayo's Story of the Zulu Nation and the War." London: Macmillan.

him to repeal a law simply because it favored a class whom he did not like. He preferred to have recourse to cunning to separate the real vocations from the feigned ones, and disgust the young people with a sanctity which was self-interested. His success surpassed his expectations. One night, with two faithful friends, he went secretly to mark the roofs of several huts with bullock's blood. The next day he called together all the sorcerers of his kingdom, and ordered them to divine by means of their craft the author of the misdeed. There was not one who did not name something and denounce somebody. Two only guessed right, and named Tschaka, whose scheme they had discovered. Their cleverness saved their lives. As to the others, convicted of being bad sorcerers, they were immediately put to death. After this lesson the country was quiet for several years. No one cared any more for an occupation which had become so dangerous. Sorcerers ceased to be troublesome, and did not begin to molest the chiefs again until the second or third generation. Cetewayo complains that on his accession he found himself disarmed against this torment ; for the English envoy, official representative of a Christian government, took the enchanters under his protection, and forbade their being put to death.

The royal prisoner also says, that in order to keep up a martial spirit among his warriors Tschaka forced them to live in celibacy, permitting them to marry only after their time of service was over. For this purpose he decreed the conscription of girls, and had them enrolled after the manner of boys. Once in a while a royal order married a certain company of women to a certain company of men. How happy the great Napoleon would have been if he could have made one vast entrenched camp of the whole of France, as his glorious rival made of Zululand !

Only undertaking a campaign against the life and liberty of his neighbors when he was sure of conquering, Tschaka followed up his marches with the utmost hostility, filling every ear with rumors of his exploits, pillage, murders, and cruelties. He was as ambitious for the fame of being merciless as for the glory of being invincible. Every spring he burst like a hurricane upon the tribe who least expected him. In this manner he enlarged his empire, adding to it on all sides vast devastated territories. He conquered Natal ; that is to say, he ravaged it completely. It is said that he found this immense country containing a million inhabitants. After his numerous incursions there were not left more than twenty thousand, who were concealed among the rocks and ravines of the mountains ; the rest had perished by sword or famine. The Mantetis, driven out themselves, pursued the Becho-nanas. Mosselekatzi, the great man's lieutenant, pushed on with his Tabeles (Matabeles) as far as the Zambèze. Another detachment



crossed the river, and, advancing far to the north, carried the terror of the conqueror into the centre of Africa. Vanquished, decimated, reduced to servitude, the Fingoes revolted later, and became the most constant and intrepid allies of the English. But they knew how to avenge their grievances, for a day of retribution was coming also for the Zulus.

In the meantime Tschaka did the work of a great captain and legislator, and opened a new era. In the presence of this childlike race he assumed a profound gravity. How proud this terrible enforcer of Napoleonic ideas would have been, could he have foreseen that one of his successors was to pick up the very sword of Napoleon I. in the cornfield where the awkward heir of Corsica was to drop it!

At the death of the despot matrimonial regulations returned more or less to their previous condition, except in time of war. Obligated to resort to extreme measures in order to defend himself against the English, Cetewayo resumed the leading ideas of the system which had made his country so formidable. He re-established marriage according to age; but where Tschaka had experienced no difficulty, he encountered revolt. Young girls refused to marry those to whom they were allotted by established rule. They alleged as a reason the numerical insufficiency of the regiment of men assigned to them. The sovereign listened to their complaints; but, alas! the ranks of the country's defenders had been decimated. The girls had the misfortune of finding that the number of men appointed for them was scarcely greater than that given them before. They petitioned again. Cetewayo could not increase the number of men, but he could diminish that of the girls. It is said that to have the balance restored, he suddenly caused the massacre of the malcontents, — a terrible measure, of which he afterward boasted to his jailer, the English officer.<sup>1</sup>

After their decisive victory, the English thought they were accomplishing much in decreeing liberty of marriage. At this time their army still occupied the country, a crowd of poor people following in its wake, and serving as porters and servants. In the night which followed this proclamation all the natives deserted. Each one feared that he might not find a woman left if he arrived late, and they scattered like a flock of sparrows.

The Kafirs are in the intermediate stage which is neither nomadic nor yet agricultural. The woman applies herself to the cultivation of millet, corn, pumpkins, beans, and sugar-cane. She attends to the field-labor, — a painful task, half servile, and which is despised by the man. Occasionally he practises certain trades, such as that of

<sup>1</sup> Miss Helen Colenso, whose testimony is above all suspicion, declares this story to be false. According to her, if, unfortunately, half-a-dozen girls were executed, it was during the absence of Cetewayo, and to his great displeasure.

blacksmith; and, like nearly all other Africans, proves himself a skilful manufacturer of hatchets, lance-points, and big needles. He buys from the English copper plates, of which he makes belts, bracelets, and rings of all sizes; he models pipes and other small objects. The principal processes of the tannery and of leather-dressing are also as well known to him as to his wife; the latter puts the final touches to the skin mantles, the fleece, and fur caps. The women of the house busy themselves exclusively with the making of earthen porringers, pots, and pitchers of all sizes, rush and wicker baskets.

There is not in all Caffraria a nobler occupation than the raising of cattle. The man reserves this for himself, permitting neither his wife nor daughter to approach them. From the cares of the cow-house and sheepfold he turns to the fatigues of hunting and war. He defends himself against the lion,—now almost destroyed, thanks to European guns,—and treats with respect the elephant, which abounded formerly in those latitudes, but which the Boers have almost exterminated. It is claimed that in English Caffraria these great pachyderms have always had a fear of man, only too well justified; but that, the European government undertaking to protect the much-hunted animal, it has learned to believe itself more formidable, and now takes an offensive attitude towards our species.

The Kafirs still make terrible havoc among the herds of antelopes, destroying much more game than they can possibly consume, losing or leaving it to other carnivora. It is not surprising that a hunting people, in order to live, should require an immense territory, and that they should suffer frequent scarcity of food. It is rare to find them economical of animal life. It has been observed of the Zulus that they become intoxicated in their hunts as the warrior does in battle, and that the approach of game excites them to frenzy. Carried away by the fury of destruction, the Kafir butchers, massacres, and loses all control of himself at the smell of blood. When he kills an ox or any other animal, he cuts him open and takes out the large arteries so as to preserve all the blood, of which he allows scarcely a drop to fall. The heart of the Kafir is devoted to his beasts. Existence has for him no nobler aim than to possess as large a number as possible of the finest oxen. There is no term so flattering as "My bull," no such tender expression as "My heifer." The husband says, in speaking of the wife to whom he has given precedence over his concubines, and for whom he has given up fifteen head of cattle, "The cow who leads the herd;" and the chief compares, without irony, the tribe which he commands "to the dairymaid whose breast nourishes them." It would be dishonoring the horned beasts to harness them to the plough; they even kill them with regret. In fact they eat little meat, and even less meal or vegetables, the bulk of their



nourishment being always milk ; often they take nothing else during entire months. Grown men and women live on milk curdled or fermented. Only the chief of the family touches the precious provision, and distributes it according to his pleasure ; whoever should approach it during the absence of the master would be considered guilty, not of an act of indiscretion, but of an attempt to steal, and even to poison. The father's duty is to taste first from each new pan or jar, as a protection against the witchcraft of demons and sorcerers, who are always watching for an opportunity of doing evil. For reasons known only to themselves, the Kafirs forbid women who are ill or have just become mothers to drink milk, or even to enter the place where it is kept. It is forbidden also to every woman stranger to enter the kraal or cow-pasture, or even to visit the place where the beasts of the hamlet stop and rest. The villagers are therefore obliged to go from hut to hut by roundabout ways and behind the dwellings ; for every woman who is not of the same blood as the chief of the family is regarded as a stranger. There is no such thing as relationship by marriage.

There is a single exception to the rule which excludes women from the cow-yard. When the daughter of the house reaches a marriageable age, the good news is announced to all the village. Immediately the women assemble and put themselves behind the herd, which they drive into the stable. On this day they can do as they please, and choose whatever is best for the festival which is to follow. But in rich families it is not a single animal which they take ; they may choose as many as ten. They amuse themselves by shouting and dancing. All the neighbors are invited by right, — all who have seen from their dwellings the smoke of preparation ; for the Kafirs are eminently hospitable.

Like all other children, the daughter has already taken part when six months old in a ceremony equivalent to that of baptism. The first joint of one of her fingers is cut off, — generally the ring-finger of the left hand, — the blood has been made to drop on a piece of fresh manure, in which is hidden the little bit of flesh and bone, the dung with its contents being then deposited high up, inside of the roof, in a loaf of sugar. Certain families give preference to a different custom. The father invites his friends and acquaintances, — they go to the stable and select one of the finest animals, which from that time becomes the mystical companion of the child, and must not be sold or parted with under any pretext, or even lent to any one outside of the family ; the father pulls out a few hairs from the animal's tail, the mother braids them together in a particular way, and attaches them to the neck of the infant to serve as an amulet.

But let us return to the young lady, who is about to be introduced

to the world. They begin by shutting her up for a whole week in a retired hut, where she is prepared by we know not what magical processes for the future duties of her sex. Until she comes out, neither she nor her companions are permitted to drink a drop of milk. When she emerges from the shadow of her retreat, they congratulate her, compliment her, and wish her happiness and prosperity. The queen of the festival is expected to choose a king from among the boys. Each one of her followers selects a companion, and then out come the bagpipes! To the young people too timid to choose for themselves the matrons adjudge a gallant, whether he will or no. The order is to be merry. The missionaries, from whom we obtain these details, cannot lament sufficiently over the scenes of immorality which follow. It is rare, however, that these temporary relations have any result. The case occurring, the families hold a consultation. The young man's parents make themselves known by the gift of a cow, and open the question of marriage. If the girl is not too costly, they buy her; otherwise they fall back on the child, whose market price is two or three head of cattle. There are some who will not condescend to this, preferring to keep their daughter and her offspring. In these out-of-the-way countries children are welcome; they pass for riches.

It must be confessed that for chastity, as we understand it in our civilized countries, the Zulus have no care. Their daughters and widows enjoy the perfect liberty of paramours; but not their wives, who no longer belong to themselves after they have been paid for. Between people of the same blood on the father's side all union is declared improper. They have the institution of the Levirat,—that the widow of the eldest brother is passed on successively to his younger brother, or brothers. As with the Zulus, the nephews and nieces give the title of father to their paternal uncle, but do not give that of mother to their aunts; it has been concluded from this that previously the brothers used to live together, having their wives in common.<sup>1</sup>

Nothing is so rare in this country as marriage from inclination. Nobody marries except for the sake of gain. There is no question whatever of a free choice for the wife, and scarcely more for the husband. Ordinarily the relations and friends of a young girl consult together as to which husband it would be best to confer upon her; and when they have come to a decision, the beautiful pariah, newly decked, accompanied by the mystic heifer given to her on the day of her baptism, and which is to follow her everywhere, is conducted to the door of the man chosen for her lord and master, to whom they

<sup>1</sup> This law is called to-day the Law of the Brotherhood, to which Mr. Morgan, of Rochester (N. Y.), first called the attention of the learned world in his important work, "Ancient Society."



indicate her price, which is fixed according to the rank and charms of the damsel. The escort is to do her honor, and also to restrain the bride from all temptation to flight or revolt; for she often manifests a marked repugnance to the marriage which is imposed upon her, and which is to put an end to pleasant proposals and the liberty of lovers. They grant to the proposed husband a suitable time for reflection, permitting him even to discuss the value of the offered merchandise in order to obtain some reduction in the price; but he would be unpopular if he were difficult to suit, and would expose himself to irreconcilable enmities by refusing to receive what is offered to him. As a general thing he accepts her. The fact that he has already one or several wives is not received as a reasonable objection. The more housewives there are, the more children who can become shepherds and warriors, the more the kraal gains in importance and the more considerably the women are treated; for in Caffraria riches engender respect.

Divorce remedies ill-assorted marriages. The husband does not hesitate to resort to it when a barren wife has been sold to him, or if his helpmate is accused of misconduct or of witchcraft. After all, the most important feature of this separation is the reckoning of cows. Has the husband had no offspring? Very well! it is an unlucky deal—the parties re-enter the *status quo ante nuptias*. The woman is returned, the animals given back. If she is still the mother of but one child, and thinks she might marry elsewhere more advantageously, the price of her liberty is considered. If she wishes to take away her child, she must restore the sum for which she was purchased. More than one woman has been divorced from spite, because her parents have not been complimented by a sufficiently pretty gift on the occasion of her first-born. The wife who thinks herself unjustly beaten or restricted in her rights, takes refuge in the paternal home; if the ex-husband wishes to see her again, he is obliged to ask for her in person, for on such occasions an intercessor is not permitted. The godmothers accompany the husband on his route, administer a *conduite de grenoble*, heap upon him reproaches and insults, scratches and blows. He has no right to defend himself, and arrives in a bad plight at the house of his father-in-law, who reprimands him and inflicts upon him a penalty which is payable in full, before he is even permitted to see the wife. If he finds the sum too great, he loses everything,—the wife, and the favorite beast. The price once paid, it becomes according to the marriage contract a sort of security, a premium which protects the wife against unlucky blows.

Adultery is set down under the head of “offences against property.” When a woman has been bought by any one, she has no right to give herself to another. The guilt is measured according to the wealth

and social importance of the husband. If he is but a poor fellow, it will cost only a sorry cow to indemnify him ; but if he is an important personage, he will demand three or four full-grown horned beasts. If it is proven that the unlawful relation has resulted in pregnancy, the happiest of the three will recover from seven to ten cows (a whole herd) and the child into the bargain. In the matter of relations with fathers-in-law and mothers-in-law the rules are extremely simple, — they are forbidden. A young wife would not dare to uncover her head before the parents-in-law, to linger in their company, to stay in the same hut. They forbid her the right to look at them, to utter their names ; and if in conversation she lights upon words which designate or even recall them, she is obliged to find synonyms, — to coin them, if necessary. From this comes the curious fact that the two sexes speak a language sensibly different.

The Kafirs, like others, have their superstitions, as can be seen from the customs which we have already reported. Another proof which they give of it is their fear, not of death, but of the dead. This terror is carried so far that the dying are not allowed to expire at home, unless it has been decided to abandon, if not to burn, the hut afterward, — a luxury which only the rich can enjoy. Ordinarily the sick person whose end is foreseen is carried away bodily into some bushes, or to a hole in a rock, where more than one poor wretch dies alone, expecting his body to serve as food for dogs or wild beasts. Those who care enough for the dying to aid them in their last moments are, by the very deed, considered impure, or even dangerous, — a widower for a week, a widow for two weeks ; for a woman is particularly susceptible to disease, and more apt to carry contagion. The man who should go from the presence of the dead to the kraal of the chief would be considered guilty of an attempt upon the life of the prince. All others however, excepting the widow or widower, are allowed, if they take some precautions, to mix with the common people : is it that an accident, even though fatal, would matter little if it happened *in anima vili* ; or is it that the highest would be more susceptible to infection ? They appear to regard the distance as great between the physical and moral organization of a plebeian and that of a member of the royal family. It is said that their vitality differs according to the class : the rougher ones dread shocks less ; the delicately organized receive and communicate more subtile impressions ; more fragile, but endowed with superior activity, they are more dangerous. Evil influences leave the body of a boor ; but the effluvia coming from an aristocratic corpse is much more penetrating. The odor is according to the grade ; there is no worse decay than that of the sovereign, unlooked-for application of the saying, “*Corruptio optimi, pessima.*”



Finally, the dwelling which the dead man occupied, as well as his cattle-shed, is deserted and left to decay. The survivors build elsewhere their house and work-shop, from which they are careful to exclude all the old furniture: to use which would be opening wide the doors to the evil influences and machinations of the sorcerers. They would not dare to appropriate anything which had been used or valued by the deceased; his lance, his favorite treasures, and his most precious jewels are buried with him. Formerly a great chief's body was followed by officers and friends, of whom one or two hundred were murdered. But with the progress of ideas they have happily substituted, in place of this corps composed of dead men, a living guard of honor, constructing for them an enclosure around the tomb, which they do not leave by night or day. They are forbidden to anoint themselves, to oil or even wash themselves, or to participate for several months in any public entertainment,—for we must not forget that they are regarded as being in the other world. This is a wearisome service; but when it is ended they are compensated: the new prince and his court give them in property not a few oxen and cows; they are free to do almost anything they please; nobody, under any pretext whatever, would dare to kill them,—the majesty of the deceased surrounds them with a halo. Knowing better than others the mysteries of the sepulchre, they have become Santons; for a little while they may pronounce oracles, and perhaps be consulted. They form a guard for the dead chief which reigns absolutely in this retired corner, and which, as a positive sign of sovereignty, has a herd of chosen cattle composed of a superb bull with his heifers. These beasts are “tabooed;” nobody except the sentinels would dare to touch their milk, or their calves, until the last one of them dies of old age in their walled enclosure.

This place has all the rights of an asylum,—no one dares to molest anybody who takes refuge in it; but woe to him who enters there except as a suppliant! He is beaten unmercifully for nothing more than approaching it accidentally. On pain of being pitilessly massacred, he must not be seen digging in the holy ground or ransacking the environs of the tomb: what reason could he have for doing it, if not to make fatal charms or to cast some spell over animals and men? For the soul of the chief always haunts this spot, and invests its turf with awful virtues; if the honored prison in which it is enclosed should be opened, the spirit would escape under the form of pestilence and of epizootic,—for surely his shade is but a concentration of typhus, a quintessence of cholera, an elixir of mortality. The guards watch at all hours; they do honor to the dead, and hold him in respect. This period of ill-doing, of terrible malignity, is a provisional state; happily, after the struggles and conflicts of fermentation

are over, the vital principle passes into another condition,—that of purification. The flesh of the body putrefies and becomes liquid; the miasma evaporates, rises into the region of cloud, where it is condensed anew under the form of lightning, and enters even into the substance of the Great Spirit. This theory reproduces the doctrines of antiquity, and, without going further, Ovid describes the apotheosis of Julius Cæsar in terms and with details which the Zulus would find entirely appropriate to Tschaka and to Oumsilckatsi. The new god manifests himself in lightning; he takes possession, by a crash of thunder, of objects which he covets: it is a cabin which pleases him, a portion of the forest which suits him, an ox or an individual which he devours,—for he often has an appetite for the souls of men and of beasts. To be agreeable to him, you must not ask too much of him. To lament over an accident, to seem to regret it merely, would be an act of impiety, a rebellion against divinity. Our own ancestors had this same belief. It is thus that political sovereignty tends to transform itself into heavenly sovereignty. The confederation of mortal chiefs and of immortal chiefs is constructed after the same model. From the Great Spirit to the divine man, from the divine man to the human being, there is a pretty regular hierarchy.

The Kafir Olympus is recruited, we have already seen, by the accession of chiefs to divinity; it was constituted, in the first place, from the supposed founders of the race. The ideas of ancestors, spirits, and divinities are united in a single word,—as are elsewhere the notions about ghosts, tempests, and storms. It is a going to and coming from the earth to heaven by the gate of death, and from heaven to earth by burial. It is not far from the guardians of princely tombs to sorcerers and priests. By virtue of their incessant communication with the world of spirits, the magicians open and shut the gates of the rain. But these are useful in season, and the others are the opposite; these call up maladies, the others drive them away. Some cause bad grain to sprout; they have not always need of being instructed in the fatal arts,—the infernal regions can communicate to them its inspirations, without their even suspecting it. The others take more trouble, study in sacred colleges, receive an official diploma. For the priests as for the sorcerers, however, all the instruction in the world could do nothing if they were not endowed with natural aptitude, with talent *sui generis*. You have the genius, or you have it not.

It is generally at the age of puberty that a melancholy and bilious temperament manifests itself. But whatever the temperament of the young man may be, whatever the manner of his previous life may have been, he has to go through a period the symptoms of which are well known. He begins by hearing strange sounds, by having extraordin-



ary visions ; he shivers and trembles without cause ; a spark, the sound of a leaf falling, throws him into a revery. Troubled, ill at ease, he suffers from everything and from nothing. He is excited, but without knowing why ? Without apparent cause, there is not a fibre of his body which is free from pain ; he has the sensations of a crazy person, and perceptions incomparably clear ; he passes from a fit of passion to tears. Not confining himself to one place, he wanders about the country, buries himself in the forest, rolls down the ravines, runs without an object, stops without any reason. Cold and heat, hunger and thirst, sleep and wakefulness, all come to him unseasonably. The Kafirs know then by means of science that the patient is visited by departed spirits, or Tshnologon. The chief is soon informed of the matter, and before him the priests, who make personal observations, feel the patient's pulse, examine him, and make him go through the motions of the magic dance to the sound of their pipes and tambourines, which they strike in a curious rhythm such as the spirits like, they say. The novice is filled with noise and wearied with motion ; he bounds, leaps, and jumps ; the frenzy passing from the body to the spirit, he begins to chatter in an unknown tongue, announces rain or drought, prophesies concerning the future, discloses secrets, indicates where objects lost or stolen may be found, gives clairvoyant and magnetic consultations. When the performances meet with the approval of the judges, they pronounce their *Dignus es intrare*, receive the young Levite as a member of their organization, and initiate him into the last mysteries by means of a ceremony the secret of which is well kept. It is not a little curious that, according to the missionaries, this malady from which the victims come out as magicians and makers of rain attacks also, in a less degree, the beggars who go to be converted to Christianity ; the heart is touched and the mind works in about the same manner, but not by divine grace, rather by the influence of demons.

Were it not for these wicked games of fate, it is believed that rheumatism, paralysis, aches and infirmities, death even, would be unknown in happy Caffraria. Were it not for the sorcerers, the rain would always fall in season ; it would not know how to resist the incantations of the priests, whose science is unquestionable, whose operations are infallible on condition that a wicked accomplice does not come to set them wrong. These Banntou nations would soon cease to believe in their gods if they were not accompanied by bad spirits. Magic could not hold out long against experience and logic, if it did not explain its repeated failures and deplorable want of success by the hostility of black magicians. It is the same in heavenly policy as in that of the present century. You rely only on that which resists ; demonic necromancy exists only by means of demonic misrepresentation. The maker of rain whose *hocus pocus* remains without virtue does not

fail to pounce upon this or that rival whom he denounces as paralyzing all his efforts. When the drought continues beyond all measure, when the sufferings are cruel so that patience is exhausted, the life of the accused one does not last much longer ; they throw themselves upon him, they knock him down, they tie his hands and heels to his neck, and throw him in the deepest part of the nearest river as an expiatory sacrifice to *Teannti Oumshlogon*, — the genius of the waters, literally “the ancestor of Gans.” This can be continued for a longer or shorter time, and some troublesome people are got rid of. But even this plan has its drawbacks ; if the good magician does not happen to cause the rain to fall, he will stand a chance of being confounded with the wicked sorcerer, and thrown in his turn as food to the demon of the waters. It is rare for one who practises this craft to die a natural death.

When the sovereign enters into a campaign with his warriors, he decks himself with the feathers of a crane, busies himself with becoming invulnerable, and insures the success of his arms. Nothing is omitted to render the ceremony efficacious. The divine ministers give physic to an ox, making him take a certain substance of which they have the secret, and lead him in the midst of the troops. They partly skin the animal while living, take off the flesh from the shoulders, and cut it into a long thong, which each man bites and passes to his neighbor. To begin with, the priests heat it by the smoke of a fire into which they have thrown powders of their own composition, which powders they have inserted in the meat, and with which they vaccinate the body of each warrior. They trace on his forehead a black cross, and rub his cheeks with bloody arrows, which shall have the effect of blinding the enemy or inspiring him with wild terror.

During the communion the skinned animal is a prey to frightful sufferings. They put an end to him finally ; his flesh is boiled, and each one swallows a little morsel. But it is necessary to take care that no woman tastes of it, nor is even present at the ceremony ; all would then be lost ; the unfortunate woman would be capable of enfeebling and weakening the army which has just been inoculated with courage by these measures. If all goes well, the ancestors will esteem it an honor to fight in the front ranks before the braves. Did not the Locrians of Epizephyrus reserve in the same way, as an *avant garde*, a place for their hero Ajax, son of Oileus ? However, if the gods put themselves on both sides, how did they make laws for the Trojan war ?

It is told of the Kafirs that, when victorious, they have more than once cut off the ends of the fingers of their Hottentot prisoners in order to drink the blood, and that a comrade presses the arm of the captive to make the blood flow freely. These things occurred in the time of Tschaka and of Dingâm, but not at that of the battle of



Tsendonla. This fact indicates the former practices of the anthropophagi, — a practice put beyond all doubt by the traditions reported in Dr. Callaway's book, which make mention several times of cannibals with long hair. This abominable custom has been perpetuated even to our day, as some of our contemporaries saw at Thaba Bosion, the *Cavern of the Men-eaters*, and traced out with some of its inhabitants.

The priests, representing gods as they do, incur responsibility toward the chief and the people only when they promise rain or victory ; face to face with individuals, they have no need of regarding them at all. They are consulted especially as warriors and physicians. They teach the doctrine that all disease comes by inheritance. When neglected, and when they do not receive their pittance, they are affected by hunger and forced to sustain themselves by sucking the vital forces of their descendants, — in imitation of Ugolino, who, according to the jesters, devoured his children in order to preserve to them a father. It is the duty of the priest to select in the pasture the beast who will best satisfy the appetite of the starving manes. Cutting off the creature's head, he divides the animal in the middle, awarding one half to himself ; the other is for the family, who must eat it on the spot, otherwise a particle comes out of the kraal, for everywhere the Lares are a personification of jealous property. In the interval the man of God receives the blood of the victim, drop by drop, puts it in a vase at one side, and detaching the spinal column, the large bones, and the fat surrounding the intestines, carries them in the presence of the sick. A fire is lighted in the hut, the fat is fried out, and the bones and flesh carbonized ; soon the smoke rises in the air in thick clouds, and the ancestor sniffs with delight the odor of burnt meat. " Eat, grandfather ! attack this skin, stuff thy belly with this fat, fill thyself with this blood, but spare the life of thy grandson ! "

And what if the malady continues ? Then the affair becomes complicated ; it is clear that the vital substance is not all devoured by the forefathers, — who, hunger apart, are inclined in favor of their offspring, — but by wandering spirits, come perhaps from a hostile tribe, or sent by some perfidious neighbor, distributor of bad luck. Who then is this assassin, this cowardly criminal ? To proceed to the inquest it is necessary to be authorized from on high, for it concerns a capital case. When the chief is ready, — often the more willingly, since he has himself suggested the proposition (was it because his people require from time to time to assist at a drama and be diverted ?), — the tribe is called into solemn council. In the middle of the assembly two semi-circles are formed, one composed of the afflicted family and the clan, the other of the novices of the priesthood, the Levites, and their special friends. The officiating priest gives the

signal, and the acolytes beat the drums, the accusers moan and howl, the warriors strike their lances and make them ring, the women hum and clap their hands. They warm to the task; the movement quickens and hastens; the noise becomes deafening. The priest gambols, leaps, whirls around, gesticulates, becomes fairly wild. The crowd absorbs intoxication through the pores—every sense is filled; the eyes and head ache: no drunkenness is comparable with this frenzy; the well and the chasm throw up smoke, and the infernal regions their clouds of nameless illusions, of frightful shapes, of strange and terrible sensations. Intoxicated with joy, the crowd tastes the voluptuous delirium of madness; and always the bells and cymbals sound, the drums roll, the charge advances in the midst of whistles and shrieks; the voices, at once tearful and sad, become hoarse, even furious, and the women imagine themselves about to perish. “Help! help! who has bewitched us? Speak! who has bewitched us? Help! help!” — “Who has bewitched you? I will tell you!” cries the priest, interrupting his gyrations and gesticulations. In a moment an intense silence reigns. The man of God draws himself up; he points out the guilty person, and a thousand burning looks follow the direction of his finger; he reveals the plot, states the crime, details the plans. The pontiff speaks, and all those who are near the person designated, mute with surprise, paralyzed by fright, move hastily away, forming a ring at the distance of ten feet. The pontiff speaks, and their anger is rekindled in their hearts; he speaks again, and the smoke bursts into flame; he makes a sign, and the furious pack bound upon their victim. In the wink of an eye the unhappy person is knocked down, trampled upon, wounded, has no longer a rag or a sound place on his body. The young people of the prophets’ college arrive and rescue the guilty one from the fanatics; the duty of extracting a confession is incumbent upon them, — an easy thing when you are not far from a great ant-hill. They take him, head downward, lay him down and sprinkle him with water. The ants, irritated, enter his nose, his ears, all the orifices, inflicting dreadful pain. Some other servants of religion prefer to employ manacles; such saintly inquisitors apply coals or burning stones to the groin, the armpits, and the soles of the feet; others hold to roasting the patient at a slow fire. After so much preparatory excitement, the human creature, be he negro or not, takes delight in seeing his neighbor suffer; and when the excitement has been pushed to extremity, the perversion of sensibility is such that it is not displeasing to the individual roasted white, so to speak, to suffer in his own flesh: it happens sometimes that he rushes boastingly into tortures as he would into ineffable luxury. These Kafirs, strong in their innocence and endowed with extraordinary endurance, persist in the midst of all their sufferings in not dying



and even in not confessing. Some one wishes to save the sufferer. On a signal from the chief the priest advances, gives his cue to the unfortunate, refreshes his memory a little, produces the body of the wrong-doer and obtains his avowal; for, after having been broken by suffering, it is difficult to repulse good words. If, as an exception, the martyr is not softened, it remains only to finish him by a well-directed stroke. If he yields, all is forgotten, all is pardoned, the forfeit is paid in compensation for homicide,—a forfeit which it is necessary to settle entirely, even when the sick man, the cause of all the trouble, is restored to health.

When it concerns primitive populations, all at least in Southern Africa, one must not lose sight of the fact that abstract forms under which one is led to class them, could not be very precise. The stalk of the young oak still attached to its acorn is soft and green. The institutions of a growing State have a form more simple, but a signification much more complicated than ours. Thus, after having mentioned that the Kafirs are half nomads, we say that they are half agriculturists, and, we might add, half proprietors. The first settler has a right to the soil which he cultivates, and can take it again after having left it, on condition that he warns his successor of his intention and does not reappear while there are crops growing. Their society is patriarchal, but feudal at the same time. Their government is an absolute monarchy; but it is an oligarchy as well, and still better a republic, in which the liberty of the citizen is strangely mixed up with the tyranny of the chief. The social edifice has heredity as its eternal base; but spoliation is its pillar. The Kafir tribes resemble strongly those societies of animals about which the naturalists, and especially M. Espinas, tell us such interesting facts,—societies which are assemblages of individuals more or less permanent, which sometimes are confused in the mass, and sometimes entirely separate; a body which the organs join, disjoin, rejoin, in turn. In its best days the Kafir confederation existed only virtually as a State. The different leagues of Gxosas and of Tembous, of Soutos, of Zulus, and others which composed it were jealous and quarrelsome. Each is in turn subdivided into sub-confederations of clans and kraals. In ordinary times a little community is much more occupied with its own affairs than with those of the whole confederation; troubles itself a great deal about its own cacique, and very little about the great central chief. The family varies continually, according to the number and force of its members. This is natural; the tribe is no longer stationary. In consequence of wars, of maladies, or of bad government more than one is enfeebled to the point of renouncing separate existence, and allows itself to be absorbed by one more favored by fortune. The one which has taken the step

rarely holds to it for many successive generations ; the ruling family ends always by being dispossessed. All parties being in perpetual motion, the whole can re-model itself continually. The inevitable contests between the interior and exterior are the cause of the mass contracting or dilating ; the government is made more powerful, and the citizen becomes more free. This go-and-come constitutes political life, which centres in the chief or *Incosi*, but of which the essential monad is the village or kraal, — a Dutch word which signifies the circular agglomeration of huts. The kraal with its dozen or half-dozen wicker hives covered with clay has a single opening, serving at the same time for door, window, and chimney, representing the constitutive kernel of the Kafir city ; it is political and civil unity, the essential element which repeats itself from simple to compound. The tribe is a great kraal ; the Kafir confederation is the combination of these kraals. Each kraal has its chief ; the largest kraals have the greatest chiefs, who in cases of great importance, which they themselves cannot settle, send a deputation to the Supreme Chief, — the Oukoum Kami, — whose opinions are also commands.

Let us occupy ourselves first with the chief. Theoretically he is the community personified, the tribe made flesh. Above the law, a living law himself, superior to justice, he has nothing to do with morality while he respects the practice. Irresponsible toward the weak, he must manage his colleagues, show complaisance toward the chiefs more powerful than he is himself, of whom the most redoubtable becomes a kind of Grand Kafir, President of the Confederation. Whoever assumes absolute authority has only to exercise it without troubling himself about it. No one will find anything to say, while it would be imprudent to resist him. Mosheh, the King of the Soutos or Bassoutos, boasted that at his word the mountains moved. One day Tschaka took a notion to order a whole battalion to lay down their arms, to go to capture a hippopotamus and to bring him back alive. He was obeyed. The members of the reigning family can allow themselves every kind of misgovernment, provided that the tribe to which they address themselves be really taxable and liable to statute labor. Against flagrant injustice they have recourse theoretically to a more powerful prince ; but powerful though he may be, the potentate who does not wish to spoil his business objects to constitute himself redresser of wrongs in a territory not under his immediate authority. In fact, it is always rare that a dynasty is strong enough to permit itself to be long and systematically unjust at pleasure. Here, as elsewhere, despotic power devotes itself to representing the feeble and personifying the right, even the *droit lése* ; and assumes a paternal care which is not always a vain pretension. The *Incosi* knows all his subjects by their names, their



features, and their voices ; if they fall ill, their relatives and neighbors are obliged to let him know, on pain of chastisement. Those who lose the means of existence go to the chief and ask of him a cow to milk, or an ox to kill ; if he cannot furnish at once the thing desired, he lodges and feeds them until better times. Those who have no clothing find with him covering and mantle ; he is general purveyor for unexpected needs. The orphan without fortune and without friends is brought up at his expense, married by his care,—save that he pockets the sum which the future spouse has to pay.

Every Kafir government is autocratic, the chief having a title like that of the Emperor of all the Russias ; but it is not government, personal or parliamentary, which is not united to an administration. The administration is worth so much, the government so much. It is by his Council of State—called Amapakati, or mediators—that the chief receives information and has his orders executed. This council has not fine material ; the number of its members is not fixed ; whoever wishes is present, remains, or goes away. The *jeunesse dorée* come there for amusement occasionally. Only the representatives of rich families, the ambitious or influential men who enjoy a reputation for strategy, for bravery, or for eloquence, have any interest in remaining long. While they stay at court the visitors are the guests of the chief, living more or less at his expense, but really at the expense of the people. At receptions particularly full and brilliant, they used to make it known to those in authority that they wanted women. If volunteers responded in insufficient numbers, the court despatched a troop who raised girls in a canton. But there was an appeal from this abuse ; the practice became unpopular, and they have renounced it in later times.

The nucleus of the reunion of Amapakati is formed by the particular friends of the chief, by his comrades in parties for hunting and pleasure, who have passed through the same initiation in the forest and been circumcised on the same day. By force of custom the offices of State are distributed among this young band. The first who has been circumcised is designated as president of the council of ministers ; the second is no other than the future chief himself ; the third has the rank of general,—and so on. At the place where the Amapakati meet for the “grand dalabu” people go to hear the news, whether of importance or of a trifling nature. Here they entertain each other by talking over their affairs of public and private interest, and the sovereign profits by the conversation in proportion as it pleases him. It is the great centre of information, and also a court of appeal whose decisions are almost always ratified by the chief, who does not allow himself to differ from the representatives of public opinion ; although he can sometimes advise what he desires to

have done. The noble bodies of Parliament and Court of Appeal are united; judge and legislator under the same august presidency, the chief adding to his many attributes that of executive ability. The Amapakati attend in person to the execution of sentences pronounced by them, and impose penalties. The most able and determined assume the lead in different expeditions to the interior and exterior. When a neighboring tribe is accused of entertaining hostile designs; when the clans show symptoms of rebellion; when a neighbor manifests a spirit of independence,—the wisdom of State intervenes to decide what the suspected person “shall eat.” The favorite of the moment is despatched with an armed force, marches through the woods, creeps in the night up to the herds designated, carries them off and drives them back with him. If the owner defends his property, returning violence by violence, he is treated as a rebel; and if he is wounded or killed, it is his affair. The prince takes but a small part of the booty to himself, the greater portion going to the members who composed the expedition. The warriors ask nothing better than to be allowed to make another raid; those concerned, those who were the victims, solicit new opportunities. There are no more rapid means for an ambitious man to enrich himself or for the chief to establish his sovereignty; nothing more effectual in preventing wealth from passing beyond a certain limit. The Kafir whose herds increase too fast, and who by certain signs discovers that he has given umbrage, does not delay if he is warned that the blow is to fall on his head. Driving the best part of his stock into another territory, he goes to put himself under the protection of another potentate. If the fugitives pass the frontier, they are beyond the reach of the anger of their old master, who would not dare to pursue them unless he was prepared to see himself attacked by an insurrection among his own people as well as by outside enemies. The refugee is a sacred person; if he were guilty of every wrong, his voluntary exile is a sufficient penalty. Moreover every prince is jealous to increase the number of his adherents, proud of his recruits, and is in honor bound to protect them. It follows that in ordinary times a cacique will not abuse unreasonably the right of raid. The jealousy which the governors feel of each other acts, to a certain extent, as a safeguard to the governed. Between murder and spoliation (both great means of enrichment), and the necessity of increasing their popularity, they find a *modus vivendi*. In conclusion, on the borders of the Ky Garip as elsewhere public favor is the real source of power, and when you know how to manage you can go great lengths in the paths of despotism and cruelty.

There is an anecdote of a slave, who having bought a superb straw hat by means of his little economies, wore it with pride on Sun-



day, but on week-days went bare-headed beneath the torrid sun. Some one said to him : " Pompey, why do you subject yourself to the rays of the sun when you have such a fine hat ? Put it on ! " " Pompey no fool," answered the negro, grinning from ear to ear ; " hat mine, head massa's ! " This saying reveals exactly the whole theory of a jurisprudence by which man, the lawful owner of certain objects, is himself the property of the chief. From this principle is derived the fundamental distinction between acts which injure the prince and those which are only hurtful to the subject. Let us take the case of damages, for example : Does it concern an ox ? — the master is paid. Does it concern a woman ? — it is not she but her husband who is indemnified. Does it concern the husband ? — the forfeit must be paid, not to him, but to the chief. The saying is, " No man shall drink his own blood ; no man shall eat his own flesh. " He would pass for a wretch who, having received an injury, should accept personal damages, however great they might be. The judicial idea which the situation of this pastoral people explains is that of the herd. All the individual herds make part and portion of the great collective herd of the State. In the herd of the head of a family enter his wife, his concubines, his uncircumcised boys, and his unmarried daughters ; in that of the king, the shepherd of his people, are comprised the sum total of adults and the circumcised. To sum up all, this dualism is what controls our jurisprudence, — the distinction between the offences, according as they are committed against the person or the property ; but we do not define the person in the same manner. The difference is important, and we hold to what has been remarked ; it is not always necessary to exaggerate it. Since the community is incarnate in its sovereign, the Kafirs demanding that the chief be avenged for the assassination of one of his subjects do not act differently from the solicitors in France. Yesterday these were called solicitors of the king, or imperial solicitors, and they would invoke the name of the king or the emperor ; but to-day they ask the verdict of society on the guilty head.

ÉLIE RÉCLUS.

A FORGOTTEN ASTRONOMER.<sup>1</sup>

PROBABLY there are hardly two-score persons now living, other than astronomers by profession, who know more than the title-page of the little book referred to. And it is likely that only a few among this small class know how fully this young man, who died a few days after attaining his twenty-first year, merits a place among the names which it should be our delight to honor. To the professional astronomer the name of Mason recalls, perhaps, an early and important memoir on three nebulæ of the southern sky; the students of Yale College remember his appendix to the text-book of astronomy which they have studied; and a few of the older graduates recall with interest what they have seen or heard of his remarkable career. Otherwise his name is almost unknown, in spite of the affectionate tribute paid to his memory by his instructor and friend, Professor Olmsted.

It has happened that the writer has had occasion to repeat, under advantageous circumstances, some of the work which had been done by Mason, with instruments devised by himself and made with his own hands a generation earlier. In comparing this work of Mason's with other labors of the same kind executed by his distinguished contemporaries,—the Bonds of Harvard College Observatory, Lamont of the Observatory of Munich, and Sir John Herschel at the Cape of Good Hope,—the soundness of Mason's ideas, the faithfulness of his performance, and his intelligent grasp of the real conditions of the problem he was attacking have been most striking. His excellence is all the more brought into relief when his work is critically compared with that of his contemporaries, and when we remember that the comparison is one between the labors of an unknown undergraduate working with telescopes and apparatus constructed by his own hands and those of professional astronomers provided with all the best appliances of their time and working in the best appointed fixed observatories.

It has seemed to be well worth while, in fact almost an obligation, to exhibit in their proper light the remarkable labors accomplished by Mason in his short life. There is but one difficulty in the way. This is, that the excellences for which Mason's work is to be praised

<sup>1</sup> Life and Writings of Ebenezer Porter Mason; Interspersed with Hints to Parents and Instructors on the Training and Education of a Child of Genius. By Denison Olmsted, Professor of Natural Philosophy and Astronomy in Yale College. New York, 1842; 8vo, pp. 252.



have now become a part of the essential requirements of researches such as he undertook. He himself has created the very standard by which he is to be judged. To understand him we shall have to recall the date of his work (1839), and to remember that it stood almost alone in excellence until twenty years later, when the labors of Lord Ross and G. P. Bond furnished admirable examples which represent the present state of science in this regard.

We shall give from the memoir of Professor Olmsted the principal facts of Mason's life, and shall endeavor to exhibit the peculiar excellence of his work more fully than has been done, knowing that it is only necessary to comprehend what he accomplished in order to appreciate the powers of this "child of genius."

First, then, of Mason's life. He was born in Washington, Litchfield County, Connecticut, Dec. 7, 1819. His father, the Rev. Stephen Mason, was pastor of the Congregational church in that small village. The circumstances under which young Mason's early years were passed appear to have been sordid and poor, and little calculated to develop a symmetrical character. A meritorious but somewhat repellent formalism seems to have pervaded the household, particularly after the death of his mother in 1822. Already, at three years of age, he had learned the alphabet and developed powers of observation which seemed to his parents extraordinary, and no doubt were so. At four years of age he "read the Bible with remarkable fluency and propriety." When five years old he wrote letters, and formal disquisitions at the age of nine.

When he was five years old his father married "a lady of refined manners, unusual intelligence, and ardent piety." For her Mason seems to have had feelings of respect and affection, and she is said to have been useful to him in correcting the "many small eccentricities into which a mind like his was prone to fall;" but the feeling with which one comes away from an account of his home life is that of subdued protest against the narrowness and prim correctness, almost priggishness, which then characterized, as it still does, the life of the unusually intelligent and ardently pious poor of the interior New England villages. One feels that the boy needed a kind of mental *vin vieux de Bourgogne*, but that he had to quench his thirst with water. At least it was well that he did not fairly appreciate the shortcomings of his situation and surroundings. He had, however, the kindly, affectionate, and judicious care of his aunt, Mrs. Turner, who took him to her home in Richmond in 1827. There he studied in a girls' school taught by her, and made astonishing progress. He learned the elements of Astronomy and Physics at eight or nine years of age, "discovered the beauties" of the poetry of Wordsworth, and

read Bacon's *Novum Organum*. He studied the constellations in the heavens, and soon knew them ; but he devoted far too much of his time to mental work to the exclusion of the sports which ought to have been his chief occupation. He was distinguished by a temperament "exquisitely delicate," by "modest simplicity," by "sweet temper, tenderness, and consideration for the feelings of others." We may take leave of this phase of his life by quoting part of a letter from his father, written after his death. There is something pathetic in the way in which the parent is subordinated to the pastor. It is plainly a habit of mind, founded on conviction :—

" . . . I was almost persuaded that he was a subject of divine grace when a very young child. Before he was one year old, he had learned to practise cheerful submission to the will of his parents. . . . In reflecting upon his life I can think of nothing which would absolutely disprove his having been sanctified from his birth, save the general fact that he seemed more interested and engrossed with other subjects, particularly with the pursuits of science, than with religion."

Young Mason entered Yale College in 1835, being then in his seventeenth year. His preparation for college had been made at various places, chiefly at Ellington school and at Nantucket, where he had been both scholar and teacher. His progress had been brilliant and successful. His time had been well spent on Greek, Latin, French, and Mathematics ; and his amusements consisted in his reading, which was largely devoted to scientific subjects, and in the making of verses. These seem to have been clever and well constructed, showing ingenuity, but no spark of unusual imagination or skill. He was ardently fond of music.

His entrance into college constitutes a marked epoch in his life. At the very beginning of it he met a kindly, thoughtful friend in Professor Olmsted, the author of his Memoir, who gave to him a steady and disinterested friendship which knew no break. Here, too, he had his first taste of practical astronomy in his observations of the principal planets and stars. He observes Jupiter, Saturn, asteroids, and nebulae, reads the Life of Sir Isaac Newton, and refuses to take lessons on the flute. His observations were not mere play ; he recorded and discussed them in the best way known to him. "This was the beginning of a course of night-watchings which speedily terminated his career." Already, in 1836, his lungs had become affected ; but before the end of his Freshman year he had entered on a serious study of the nebulae. Having, as he said, found too commonplace "Saturn's rings, the spots on the sun, Jupiter's satellites, and the dull round of phenomena that our system can afford, . . . I am exploring the farthest limits of the Universe." The observations of the Freshman year were conducted with a reflecting telescope made by Holcomb. This was owned by Mason's friend and coad-



jutor, Mr. Hamilton Smith, who, with his brother, was as earnest as Mason himself in observations and experiment. These young astronomers, seventeen and eighteen years old respectively, were soon dissatisfied with so small an instrument, and set about making a larger one. After trials of various kinds they finally constructed two, one for Mason and one for Smith, which nearly satisfied them. The casting of the rough metal was done on the coal stove of their room, and it was ground and polished, fitted with a tube and with eyepieces, all by their own hands. It proved most successful, and incited them to further efforts. About this time Mason made a study of a group of spots on the sun with one of his telescopes, and presented it in the form of a memoir to Professor Olmsted, who prints it as an Appendix to his Biography. This "memoir" is entitled "Journal of Observations on a Cluster of Spots upon the Sun's disk in the month of March, 1837," and will well repay the perusal of the professional astronomer. At the outset there is an accurate description of the faculæ which were near the spot, "as if to herald its approach," which indeed they did. A phenomenon occurring in the spot suggests a possible explanation to him. This explanation is given (p. 242); but instead of being simply recited without proof, it is accompanied by an experimental test which proves its correctness. This I think is the first evidence that we have of Mason's real ability as an observer. It is not a little remarkable, as showing the cautious and truly scientific nature of the mind of a lad of eighteen. He will not accept his own explanation till he has tested it independently as fully as possible.

The account of his Junior year in college is painful reading. He was harassed by illness, distressed by debt, almost forced to leave Yale and to give up his course of study by the financial troubles of the friends who had heretofore kept him at college, and by his father's misfortunes. This poor gentleman, who earned but a scanty salary, got only the half of what he did earn, and was obliged to emigrate to the West, where brighter prospects opened. His son lived on half of what was considered the average expense at an economical college: he had poor food, a scanty fire, a miserable room. There was only one bright and cheerful thing in it all. His room was open to the sky, and in it he could "mind the heavens" undisturbed. This he faithfully continued to do, to the prejudice of his health and strength, but to his great and continual joy.

The vacation that intervened between the Junior and Senior years was employed by Mason and Smith in the manufacture of a new reflecting telescope, larger than any they yet had. For this purpose they possessed the necessary skill, but they required time; and nearly two-thirds of the vacation was spent in this way. At the end of it they had made an excellent instrument of six inches aperture and eight

feet focal length, with which they observed the eclipse of the sun, Sept. 18, 1838. An account of their observations is given in the "American Journal of Science." Soon after, they finished their largest reflector of twelve inches aperture and fourteen feet in length; and it was with this instrument (then the largest in America) that their most important observations were made. During his Senior year Mason's thoughts were occupied with plans by which he could continue to devote his energies to the study of practical astronomy. Almost no opening then existed in the United States for an astronomer, and there was a painful balancing in Mason's mind between a chosen career and the duty which he felt that he owed to his father and his family. He had been the favored one, — the one for whom savings had been made, and who had ever been the first to be considered. Every conventional consideration called on him to sacrifice whatever personal inclinations he had, and to devote the training received in college to the making of money. But that very training had made it clear to him that his career should be that of an astronomer pure and simple. Every other pursuit was hateful to him. He eagerly seized on every project which held out any hope. The proposed founding of the National (now Naval) Observatory at Washington suggested a possibility of his employment there. We may anticipate, and say that it is more than a probability that, had he lived, Mason would have been one of the corps of observers, and that his name would have been joined with those of Coffin, Hubbard, Ferguson, and Walker, who did so much to establish the position of the new observatory among its scientific peers and elders. His work could only have added strength to theirs, already strong. But he was having the usual initiation into what is called life, — and it came sordidly and hard to him. In June, 1839, he writes: "It is a strange thing, this being thrown upon the world, the increasing struggle of an immortal mind to purvey for the body, — to find 'what it shall eat and what it shall drink, and wherewithal it shall be clothed,' — while it has in view all the time an immense field of nobler pursuit and higher action that it can scarcely enter, confined as it is to these baser occupations. . . . But now, with the fetters of high anticipations clinging to me, I have scarce patience to ask what wise purpose is answered by my being thus prisoned and chained down, like a caged bird, from whither my soul pines to wander. . . . It is but an item after all that I shall throw into the mighty flame of ambition that is burning in the Far West [where he expected to go]; . . . but the world's end is to be answered and not mine." It is the familiar story, and the boyishness with which it is told does not make it less affecting.

In the summer of 1839 Mason received his degree in college, and was fairly cast on his own resources. Through the kindness



of Professor Olmsted he was able to remain at New Haven as a resident graduate, giving a few private lessons, and at the same time writing a supplement to Olmsted's *Astronomy*. The meagre income derived from these labors and the free use of Professor Olmsted's college room enabled him to go on and finish his paper on Nebulæ,—his *magnum opus*. We shall speak of this in more detail further on, but may note here that among his observations on nebulæ with his friend Smith were a long series on three of these objects in particular. He had imagined a new way of depicting them by drawings, and had made many micrometric measures of the positions of the stars contained in them. He determined to complete these drawings and measures, and to publish them in a memoir in "*Silliman's Journal of Science*;" and with this object he remained in New Haven, refusing all offers for employment elsewhere, quieting his conscience about his debts and his obligations with "not yet! bye and bye!"—this must first be finished by dint of diligent observing. "By diligent observing," he says, "I mean bending all my force on these nebulæ while they are above the horizon," which signified working from seven to eight hours every clear night. His spare time was given to studying German, in order to read Goethe and the *Astronomische Nachrichten*. In September he made a journey to the South, passing through New York and Philadelphia. This journey and the acquaintances which it brought him were an immense impetus. In Philadelphia he met Professor Sears Walker, then actuary to an insurance company and later one of the staff of the National Observatory at Washington. Walker was one of the first American astronomers who had trained himself in the practice of the German school of observers and computers founded by Bessel, Struve, and Gauss. He at once recognized the striking ability of Mason, devoted much of his time to him, and thereafter was constantly his adviser and friend. He persuaded him to allow his paper on Nebulæ to appear in the "*Transactions of the American Philosophical Society*" in Philadelphia; and, beside arranging for this, he started Mason in a course of observing and computing in aid of the plans for obtaining the longitudes of New York, Philadelphia, etc. The letters of Mason at this time—he was then twenty years old—show the exhilaration and vigor which contact with such minds had given him; and he returned to New Haven bent on work and eager with activities.

Unhappily, however, his health was rapidly growing more precarious. His constant labors, the lack of suitable food, and his continual exposures told severely against him; and the account of the rest of his short life is but a painful record of the failing of his physical system and of his attempts to finish his work. At all events that must be done; and it finally was done. There is neither space nor

necessity for going over the recital of these last days. He was thoughtfully and kindly aided in every way by all his friends. He finally gave up the struggle, and went to pass the winter in Richmond with his constant friend, his aunt, Mrs. Turner. At her house he died Dec. 26, 1840, when only twenty-one years old.

Of Mason's work I desire, if possible, to convey an adequate idea without recourse to technical expressions. Perhaps this can best be done by giving a few extracts from his published paper, "Observations on Nebulæ with a Fourteen-foot Reflector," read before the American Philosophical Society, April 17, 1840. I would call especial attention to the elegance and thoughtfulness of the verbal forms. They plainly show that every phrase is the result of reflection:—

"Although a period of fifty years has now elapsed since the researches of the elder Herschel exposed to us the wide distribution of nebulous matter through the Universe, we are still almost as ignorant as ever of its nature and intention. The same lapse of time that among his extensive lists of double stars has revealed to us the revolution of sun about sun, and given us a partial insight into the internal economy of those remote sidereal systems, has been apparently insufficient to discover any changes of a definite character in the nebulæ, and thereby to inform us at all of their past history, the form of their original creation, or their future destiny. At the same time the detection of such changes is in the highest degree desirable, since no other sources of evidence can be safely relied upon in these inquiries. That the efforts of astronomers have thus far ended, at best, in vague and contradictory conjectures is principally attributable to the great difficulty of originally observing, and of describing to future observers, bodies so shapeless and indeterminate in their forms. . . . The main object of this paper is to inquire how far that minute accuracy which has achieved such signal discoveries in the allied department of the double stars may be introduced into the observation of nebulæ."

It is to be borne in mind by the reader that up to this time no observations of "minute accuracy" had yet been published on nebulæ. Sir William Herschel had made his name immortal by his rapid discovery of over two thousand five hundred nebulæ, and by the profound and philosophical conclusions which he had based on his observations. Sir John Herschel had continued the brilliant discoveries of his father, and had published, in 1833, a series of sketches of particular nebulæ. But accurate measurement had not yet been applied to these bodies. Mason then sees a new field opening, and at once occupies it. He makes no tentative efforts gradually reaching excellence; but his first and only publication is a model on which his followers have to build. He says:—

"It will conduce to a clearer understanding of our object to point out generally and rapidly the distinction between our own theory of observation and that commonly adopted. It consists . . . in confining the attention to a few individual [nebulæ]; upon these exercising a long and minute scrutiny; rendering even the



slightest particulars of each nebula as precise as repeated observation and comparison can make them, and confirming each more doubtful and less legible of its features by a repetition of suspicions which are of weight in proportion as they accumulate; and lastly correcting by the comparisons of different persons at the same time. Thus much for observation,—for rendering the idea of the object as perfect as may be in the mind of the observer. For the most unimpaired communication of this idea or perception the theory of the process adopted is briefly: (1) To form an accurate chart of all stars capable of measurement in and about the nebula; (2) From these, as the greater landmarks, to fill in all the lesser stars; (3) On this as a foundation to lay down the nebula. Lastly the process includes a method of representing nebulae intended to remove the formidable difficulties [of ordinary drawing as applied to these and other faint objects] and at the same time to introduce a numerical precision in the manner of expressing on paper their various features."

The whole field is covered in this review: the observer is first to obtain an adequate idea of the faint outlines and shades of the nebula itself; and the methods for doing this are illustrated in the paper. Having this idea clearly himself, he must next express it clearly to others. Ordinary drawings, no matter how carefully made, will not do this. The outlines are too indefinite and undetermined; the difference between clearer and less clear skies will change the very positions of these borders; the disturbing effect of the lamp-light on the drawing paper will alter one's judgment of the position of the fainter parts. But Mason has a method by which these difficulties may be avoided. It is always possible to say that a small area or portion of the nebula—A for example—is as bright as some neighboring portion B; another small area C can be found equally bright with B; another D as bright as C, and so on. If the positions of these areas A B C D, etc., be placed on a map of the nebula, and if these positions be connected by a curved line, this line will run through all points of equal brightness; and this line will be a line of equal light. Another set of areas, *a b c d*, . . . can be found, and another line of equal light traced; still another set, *a b c d*, furnishes another line, and so on. In this way a kind of contour or topographical map of the light of the whole nebula can be made. In this way, and only in this way, can it be made of "minute accuracy," or "numerical precision" be introduced into the artist's work. The methods of the topographical engineer can be thus applied to the delineation of the remotest celestial objects. "Numerical precision" and "minute accuracy" were what this young man of twenty was striving for. A truly scientific caution controls all his work. He divides his conclusions into "things certain," "things nearly certain," "things strongly suspected," and "things slightly suspected." In spite of all the temptations to the contrary his drawings only include the things certain; the others are recorded in the Notes alone.

The writer has carefully repeated Mason's work on two of his three nebulæ. In every case every single point laid down by him as "nearly certain" has been confirmed; if he had included such conclusions in his drawings, his work would have been praised for it. Has he not earned praise of a different and distinctly higher nature by refusing to doubt a place among certainties? This is not the kind of reticence one looks for under the circumstances. Having found it, we should pause long enough to understand it.

It is not possible, even were it desirable, to go further in the analysis of Mason's paper. It is sufficient to have shown that its methods are those now employed. The standard of precision set to himself by Mason is the same which he would set to himself to-day were he to repeat his labor. While he was doing his work at New Haven, Sir John Herschel, at the Cape of Good Hope, was prosecuting similar researches in a similar manner. The work done by Mason was equal or superior in accuracy to that done on the same objects by the most experienced English observer of his day. This is not said to undervalue Herschel's work, which is an acknowledged classic, but to bring out in its true light the acumen of the youthful student. Indeed, his excellence is generously acknowledged by Herschel himself, who says:—

"Mr. Mason, a young and ardent astronomer, whose premature death is the more to be regretted as he was the only other recent observer [beside Herschel] who has given himself with the assiduity which the subject requires to the exact delineation of nebulæ, and whose figures I find at all satisfactory, expressly states, etc. . . ."

There is no doubt that the high order of accuracy of Mason's work was a model and an incentive to the Bonds, father and son; and his labors, as well as their own, will remain as most creditable to American nebular astronomy. We are justified in believing that a most brilliant future was before Mason. Professor Olmsted thinks he would have been another Galileo had he lived. At least it is nearly certain that he would have been the model practical astronomer.

EDWARD S. HOLDEN.



## THE ASSASSINATION OF THE TSAR.

“**I** NEVER judge methods three thousand miles away,” said Wendell Phillips, on hearing the story of Vyera Zassulitsh, who dared to fire at General Trepof for his cruelty to her fellow-sufferers. It will be necessary to bear in mind this saying in order to reach a true estimate of the Nihilistic troubles of Russia ; for nothing is so misleading as measuring one country by the standard of another. No healthy moral sentiment can, indeed, reconcile itself to assassination under any circumstances ; least of all in the United States, where every honest man — and many a dishonest one, too — can sit, if not under his own fig tree, at least in his own cottage, a whole nation of freemen keeping guard at his door to ward off the intruder. But in Russia few can lie down at night with a definite notion as to where the morrow will find them. To be to-day at the summit of power and to-morrow in the depths of the Peter-Paul fortress, is no uncommon occurrence there ; and such vicissitude of fortune is by no means limited to “subjects.” The “sovereigns” themselves have had occasion but too often to learn that Fortune is blind even to the charms of a crown. We need only recall the fate of the Emperors Ivan Antonovitsh, Peter III., and Paul I. (the latter had to descend even deeper than the vaults of the Peter-Paul fortress — into the grave itself), — all of whom lived within the same half century.

*De gustibus non disputandum* is accepted by all as true. We wonder why the maxim *De moribus non disputandum* is not equally established ; for whether it be true or not that the laws of morality are permanent and immutable, — a matter to be decided only by metaphysical hair-splitters, — poor folk not armed with logical weapons have decided long ago, tacitly indeed, but still emphatically, that *de moribus non disputandum*. A hundred years ago the Americans published a document in which, under certain circumstances, revolution was declared to be a duty ; and, be it remembered, the Americans of 1776, as represented by Hancock, Franklin, Washington, Jefferson, Adams, and the whole band of revolutionary heroes, were not barbarians. Yet three thousand miles away a manifesto was likewise made public which declared the action of the Americans to be treason, and the Americans themselves to be rebels ; even a price was set upon the head of one whose statue stands to-day in the streets of Boston. Nor were the English on the other hand barbarians. Assassination of tyrants is monstrous to us, and we call ourselves civilized ; assassination

of tyrants in the eyes of the Greeks was a great virtue, and they, too, were not too modest to call themselves civilized. To take another illustration, not from twenty centuries ago, but from twenty years ago : in 1859 John Brown was "hanged by his neck until he was dead," not by an infuriated mob, but in accordance with the deliberate judgment of the nation as expressed in its laws. Only twenty years have passed, and already the provision for his starving widow is made a national duty. Verily, verily, *de moribus non disputandum*. Let this much be said, not to approve assassination, but to show that the moral standard of one country, or of one age, should not measure the morals of another.

The morality of a community where security prevails will of necessity differ much from that of a country where personal safety is to be found in — dictionaries. The real question then to be answered is not whether Nihilism is right or wrong, whether the Nihilists are saints or sinners, but whether, circumstances being as they are in Russia, that country could develop anything but Nihilism. If it can be shown that just as a seed is sure to grow, if soil, climate, and irrigation are favorable to its growth, so Nihilism had to be born on Russian soil, and could not but thrive, — then it will be clear that any attempt to pass sound judgment on the Nihilists without condemning at the same time the government and the Russian people, must prove unsuccessful. Unless, therefore, we are able to enter into the spirit of Russian society, and look upon the present state of affairs from the point of view upon which a minute acquaintance with Russian life and its peculiarities would place us, our inquiries would prove fruitless.

The outcry against the Nihilists as common assassins, as men who murder for no other purpose but the mere fun of it, as the "New York Times" says, must accordingly be received with due reservation. Men do not assassinate for mere fun ; now and then a crazy individual is found who takes pleasure in crime for its own sake : this, however, is exceptional, and is proper madness. The Nihilists are neither exceptional, nor mad. They are common mortals, with intellectual and spiritual forces within them which act precisely as other forces would under like circumstances. What is true of matter, as regards action and reaction, is equally true of mind. The human mind is elastic, and will bear great pressure up to a certain limit. Continue it, and damage will be done. Those familiar with what we may be allowed to call mental dynamics might have foretold that the tragic death of Alexander II. would take place as surely as that a gun would kick when fired. A gun kicks, and frequently knocks its proprietor off his feet. Sad, indeed ! Would that guns were more considerate ! but laws of dynamics are inexorable. So long as guns are fired, they will kick, whether the shoulder against which they hit be that of



a giant or of a child. The same law of action and reaction holds in the case of pressure exerted upon the mind of man. What the Russian nation bore under Nicholas I., and what they bore in the three years following the last Turkish war can best be learned from the action of the so-called Nihilists ; for terrible, indeed, must be the pressure which makes men and women seize the dagger, poison, bomb, and fire, when their fury surpasses in terror even the matchless picture which Schiller drew of the French Revolution in the "Lay of the Bell."

The Nihilistic movement in Russia bears a more than superficial resemblance to the French Revolution. The method is changed, but the substance is the same. Both were made possible only by the excessive, unnecessary, and unwise oppression on the part of the Government ; and the Russian movement is, moreover, fed faithfully by the Government. A liberal policy would have instantly taken the wind out of the sails of the Nihilists. For the strength of the terrorists lies not in their numbers,—they count no more than a few hundred ; neither in their wisdom, for at times they have pursued a policy diametrically opposite to what common-sense dictated. Their strength is in the folly of the Government. When a small band of foolish young men,—boys, who if left to themselves would soon be made wiser by time, or who could be cured by a sound whipping,—when such a band make a ridiculous demonstration, the Government holds the whole of educated Russian society responsible for it, and passes repressive measures which weigh alike upon guilty and innocent. Instead of removing the cause of the discontent, the Government aggravates it. And herein lies the tremendous power of Nihilism,—*in the passive attitude of the educated class*. For of the ninety millions of inhabitants in Russia there are at least five millions educated enough to be keenly sensitive to tyranny as practised in Russia. They are dissatisfied, and are therefore stigmatized by the Government as Nihilists. Indeed, in Russia it is not necessary to be dissatisfied with the Government, but even to be suspected of it is enough to call out persecution. Thus it is that the Government constantly drives valuable members of society into the arms of the few extremists, with whom they have nothing in common but their dissatisfaction with the attitude of the Government. These are not Nihilists ; they are forced into the same group with the real Nihilists (who if left to themselves would have died out long ago) and compelled into the attitude of self-defence. When men, however, are once driven into the defensive, they are not likely to scruple about the means they employ to protect themselves.

The distinction between the extreme Nihilists and those who are only disaffected will explain the paradoxical statement that no one

laments more the fate of the unfortunate Alexander II., who was assassinated by Nihilists, than the Nihilists themselves, at least by far the larger number of them. For Alexander was a good, harmless man, in the same sense that any man is good whose hands are kept in his own pockets and not in the pockets of others. His misfortune was to be a bad emperor. *Aut Cæsar, aut nihil*, must forever be the motto of an autocrat in the nineteenth century. Nicholas I. was a Cæsar, every inch; and although under him Russia groaned more loudly than under his son, he had to fear no assassination, for he knew no compromise. He saw that the antagonism between autocracy and popular freedom is altogether too great to allow their existence side by side. However small the concession, he knew that autocracy would lose by just so much. Hence his strict régime; and Russia under him had peace, although it was the peace of death. Far different was Alexander II. He did not perceive that patchwork would produce nothing but mischief. He wished to give his people liberty, and yet wished to be an autocrat. He gave the Russians trial by jury, and sent to Siberia those whose acquittal by jury displeased him. As a man, he was good enough to wish for the amelioration of the condition of his country; but as emperor he was not keen sighted enough to see that in the nineteenth century Russia could be only either a constitutional monarchy, or else a constitutional anarchy. This the Nihilists saw, — it being understood, in this use of the phrase, that every educated Russian is and must be a Nihilist (that is, dissatisfied with the Government), but not necessarily a destructionist. These men hoped long that the emperor would come also to see the same fact, and accordingly for a long time they spared him. At first they were resolved only to defend themselves against the police vampires, against the modern satraps called governor-generals, — in a word against the *system*. But nothing availed. Zemstvo after Zemstvo petitioned the emperor in the most humble language for reform; and Zemstvo after Zemstvo met with the same rebuke for its “audacity”! There was nothing left for these representatives of the best elements of Russian educated society but to withdraw to their homes and to inactivity, with gloomy hearts and faces. This, however, was practically saying to the extremists, “We have tried our part. The case is hopeless. Now, God speed to you!” The emperor was warned again and again. His obstinacy at last drove the Nihilists to the step which they least of all desired to take; for they fought for a cause, for their dearest possession, for their liberty, and they could not afford to stand convicted of assassination before the world, whose sympathy was very desirable in their struggle. Yet to live under the further rule of Alexander was worse than death. No one was sure of his home, his freedom, his



life. There was no prospect of improvement. A change in the throne could bring nothing worse than the present, and *perhaps* something better. This "perhaps" was the sum and substance of the arguments of the Nihilists, in which they were *negatively* sustained by the whole of Russian civilized society. Society would not directly further the death of Alexander, but the extremists knew that they had its tacit support.

This is the key to Nihilism: The pressure of the Government must call out counter-pressure, — in this case assassination, conflagration, annihilation. But all this is the mere smoke, the lava of the volcano which breaks out in sight of everybody, but which could not come to the surface had there not been underneath the intense, hot flame, the all-consuming fire, melting everything. Such a fire is the deeply-concealed discontent which embraces one and all, and which is the powerful though unconscious ally of Nihilism in its worst shape. The fuel has been and is being provided by the Government. Not until the Government discards all notions of compromise, — of bestowing "liberty" with one hand, while swinging with the other the knout or the nagai-ka over the "freemen," — not until then will Nihilism be crushed out. Alexander II. never learned that the human mind can be oppressed only to a certain limit: the moment the pressure is made too severe, there is danger of explosion. Louis XVI. paid with his head for neglecting the dictates of Nature's law; and Alexander II. paid with his life for not heeding the lesson taught by the death of Louis XVI. Like the unfortunate youth in the fable, the Tsar knew how to call out from his mysterious bag the evil genii; but, alas! he lost the precious charm by which to drive them into their retreat, after they were once out.

We are aware that to account for Nihilism as we have accounted is in direct contradiction to what appear to be facts. Does not Russian society raise its hands in holy horror at the murder of its sovereign? Does not the Russian press preach a crusade against the Nihilists, and even against their Swiss asylum? Patience, reader! Russian society is not hypocritical. But what shall it do? Not express sympathy with the fate of Alexander! Alexander himself was as much the victim of the accursed system of government as the thousands of prisoners who were made to starve in the casemates and the mines. His fate is to be lamented as much as that of all Nihilist victims, which has its roots not in the people, but in the system of government. Besides, not to mourn at the death of a sovereign in Russia is — treason! Unconsciously Russian society is performing the trick of "Stop thief!"

A word as to the cry of morality. We have shown that the real question is not whether Nihilism is wrong or right, but whether

Nihilism could be anything different from what it is. World-moving events — what the Germans, with their inimitable flexibility, call *Welthistorische Begebenheiten* — are not to be judged by principles of Sunday-school ethics. The revolution in Russia is emphatically a *Welthistorische Begebenheit*, and is to be judged accordingly, — by a criterion worthy of it. To raise one's hands in holy horror, and with upturned eyes to curse the Nihilists as incarnations of the devil, does honor indeed to the heart of the indignant one, but scarcely helps him to understand that phase of Russian life which by the usual ignorance-concealing process of name-giving is called Nihilism. As when we see something we cannot comprehend, we dispose of it by calling it an accident, so we are wont to baptize all the inexplicable phenomena of Russian life with the name of Nihilism, and then complacently settle down into the belief that the mystery is all solved. The problem is offered, How comes it that a beloved sovereign of a great nation is for years chased from one end of the empire to another by crafty designers upon his life, his palace blown into the air, his train wrecked, himself at last blown to pieces? And the answer is, that the Nihilists are — Nihilists!

Let no one smile at such a logical somersault. The numerous solvers of the riddle of the Russian sphinx by no means give their answer in such simple utterance; fact it is, however, of all dissertations, learned and not learned, that have appeared of late on Nihilism, this is the sum and substance: The Nihilists are wicked. Unfortunately, these Rhadamanthuses who sit in judgment over these wicked Nihilists look down from such a height that they may be said literally not to see the trees on account of the forest. Verily, a great country is Russia, and "Nihilism" is a great movement in which the dearest interests of mankind are concerned; and time it is to devote some study and thought to its affairs, instead of haranguing violently against it, because of all the farces in God's wide universe, the rôle of an indignant moral critic is easiest to be played.

IVAN PANIN.<sup>1</sup>

<sup>1</sup> The author of this paper is not a Nihilist. He belongs to the large class of Russians who are discontented with the oppression of the Government. But such discontent is enough to draw upon him from the Russian government the opprobrium of Nihilist. Of such "Nihilists" there are millions in Russia; and although they by no means approve the methods of the few extremists, still they find it hard to condemn them as common criminals, knowing as they do to what degree of frenzy the Government can drive those whom it once has in its clutches.

















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